

## **Title 6**

### **HEALTH AND SANITATION**

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## **Chapter 6.04**

### **SOLID WASTE AND RECYCLABLE MATERIAL**

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#### **Section 6.04.010 Definitions.**

For the purpose of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this section.

"Contractor" means a person, persons, firm or corporation authorized by contract with the City to provide solid waste collection services within the City.

"Detachable bin" means a metal container designed for mechanical emptying and provided by the City or contractor where applicable for the accumulation and storage of solid waste.

"Garbage" means a form of solid waste which is putrescible animal, fish, fowl, food, fruit or vegetable matter resulting from the cultivation, preparation, storage, handling, decay or consumption of such substance.

"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may do either of the following:

1. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

2. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed.

"Place" or "premises" means every dwelling house, dwelling unit; apartment house or multiple-dwelling building; trailer or mobile home park; store; restaurant; rooming house; hotel; motel; office building; department store; manufacturing, processing or assembling shop or plant;

and every other place or premises where any person resides, or any business is carried on or conducted within the City.

"Public Works Director" means the Public Works Director of the City or his duly authorized representative.

"Refuse" means solid waste.

"Recyclable" means any paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum, or any item or material that has been separated from solid waste, and has an economic value, and is deposited in a recyclable material receptacle provided by the City or in a privately-owned receptacle on which the City's official sticker is placed designating said receptacle to be recyclable material for the City to collect.

"Rubbish" means a form of solid waste which is nonputrescible, useless, unused, unwanted or discarded material or debris, either combustible or noncombustible, including but not limited to paper, cardboard, grass, tree or shrub trimmings, straw, clothing, wood or wood products, crockery, glass, rubber, metal, plastic, construction material, and similar material.

"Solid waste" means all putrescible and non-putrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Solid waste does not include hazardous waste. Solid waste does include recyclable material. Solid waste includes dirt, soil, rock, decomposed rock, gravel, sand, or other aggregate material.

"Solid Waste Collector" means personnel employed by the City or contractors for the collection and disposal of solid waste.

"Standard container" means a metal, plastic or rubber container, twenty- to thirty-two-gallon capacity, not to exceed a weight of fifteen pounds when empty, with side bail handles and a tight-fitting lid, designed and manufactured for the accumulation and storage of solid waste, or plastic and/or paper bags manufactured for the accumulation and storage of refuse. The top diameter of the container shall in no case be smaller than the diameter of the receptacle at the bottom. (Ord. 6875 § 1, 2006; Ord. 6424 § 2, 1998; Ord. 5954 § 1, 1991; Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

#### **Section 6.04.020      Receptacle requirements.**

A. Every owner, tenant, lessee or occupant of any premises where solid waste is generated shall provide upon the premises sufficient standard containers for receiving and holding all solid waste generated between the times of removal. All solid waste on the premises shall be kept in said standard containers.

B. Every owner, operator, manager or person in charge of any hotel, restaurant, cafe, cafeteria, hospital, public dining room or other place where food is prepared for sale, sold or offered for sale for human consumption and every owner, operator, manager or person in charge of any store, market or other place where meat, fish, fowl, vegetables, fruit or any food is sold or offered for human consumption shall provide a separate standard container for receiving and holding all garbage created upon the premises between the times of collection; provided, however, the garbage may be placed in the same receptacles as rubbish if the garbage is drained and securely wrapped or sealed in plastic bags prior to placement in the container or bin.

C. Solid waste containers shall be maintained in a clean and sanitary condition. It is unlawful for any person, firm or corporation to use solid waste containers that do not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof. If, within five days after written notice of a violation of this section from the Public Works Director, such container is not repaired

or replaced as necessary, further service for the container may be suspended until the violation is corrected. The notice of violation shall be deemed served when securely attached to the container determined not in conformance with the provisions of this section. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.030 Location of receptacles and detachable receptacle requirements.**

A. At residential property serviced by the City, the standard containers shall be placed as follows for collection:

1. Residential customers adjoining an alley shall place their standard containers adjacent to but not within the alley.

2. Residential customers may utilize one of three levels of collection service. Fees for different levels of service are set by resolution. In special circumstances the Solid Waste Superintendent may designate receptacle location.

a. Curbside: Receptacle shall be placed at the curbside or adjacent to the alley before five-thirty a.m. on collection days. Sidewalks shall not be blocked.

b. Driveway: Receptacles shall be placed adjacent to the driveway before five-thirty a.m. on collection days. Driveway clearance must be sufficient to accommodate collection equipment.

c. Backyard: Receptacles are located behind gates, inside trash enclosures, beside garages not accessible for collection equipment in any location not in accordance with curbside or driveway levels.

3. Residential customers who place their standard containers at the City curb shall not do so earlier than six p.m. of the day preceding such collection nor fail to remove the container from the curb prior to eight p.m. of the day of collection.

B. At residential properties serviced by contractors, the residents shall place their standard containers at the curb for collection except when other arrangements have been made with the collection contractor. Containers shall be removed from the curb except between the hours of six p.m. on the day preceding such collection and eight p.m. on the day of collection. Detachable bins provided by the contractor shall be placed where they are accessible to the contractor's collection vehicle.

C. For commercial collection all standard containers and detachable bins shall be placed at an area designated by the contractor.

D. In all disputes, complaints or problems arising from or concerning the location of containers or bins, the Public Works Director shall designate the proper location and the decision of the Public Works Director shall be final. (Ord. 5954 § 2, 1991; Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.040 Placement of material in receptacles.**

A. At residential properties the following shall govern the placement of material in receptacles for collection:

1. Wooden boxes, crates and cardboard or paper boxes or cartons shall be broken and flattened before being placed in a receptacle or tied in a bundle no more than eighteen inches in diameter and four feet in length and placed beside the standard container.

2. Vacuum dust, sweepings and ashes shall be securely wrapped or enclosed in a bag prior to placement in the standard container.

3. Household garbage shall be drained and wrapped in paper or secured in plastic bags prior to placement in the standard container.

4. Animal waste of household pets shall be wrapped.

5. Sharp-edged and pointed material such as glass and metal shall be packaged before placement in the receptacle in such a way as to protect refuse handlers from being cut or wounded when handling the receptacles and contents with ordinary care.

6. Tree trimmings shall be tied in bundles not more than eighteen inches in diameter nor more than four feet in length and shall include branches and logs no more than three inches in diameter or shall be cut in short lengths and placed in the standard containers. In areas serviced by the City, bundled tree trimmings shall be collected on the second regular collection day of each week; namely, Thursday, Friday and Saturday.

7. When filled, the standard container shall not weigh more than fifty-five pounds.

B. At commercial properties, placement of material in receptacles for collection shall be as follows:

1. All refuse must be placed in standard containers or detachable bins.

2. Garbage must be drained and securely wrapped or sealed in plastic bags prior to placement in containers or bins. (Ord. 5954 § 3, 1991; Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

#### **Section 6.04.050 Required solid waste removal.**

A. No person, persons, firm or corporation other than one of the City authorized solid waste haulers acting pursuant to their contract with the City, municipal solid waste collection crews or a person or firm acting under the authority and within the limitation of a valid self-hauler permit issued pursuant to this chapter, shall collect solid waste within the City.

B. No person, persons, firm or corporation other than the City or one of the City-authorized solid waste contractors acting pursuant to their contract with the City shall provide temporary bin service for solid waste.

C. Except as provided in subdivision D of this section, solid waste collection shall be provided from residential property at a minimum of once a week.

D. Commercial solid waste collection shall be provided not less than once a week except that at each business engaged in the sale or production of food and at each multifamily residential property which receives bin service, such collection shall be provided not less than twice weekly. "Multifamily residential property" includes but is not limited to apartment house, boarding house, rooming house, town house and condominium.

E. Every owner, lessee, tenant or occupant of residential or commercial property shall remove or cause to be removed all solid waste created, produced or brought upon the premises according to the schedule in B or C by subscribing to the solid waste collection service of the City or the contractor authorized by the City Council to provide such service to that property; provided, however, one may provide one's own service pursuant to a self-hauler permit as provided in this chapter for the removal of solid waste created by one's own activity as a residential or commercial occupant, but not as a landlord for one's tenant or lessee. (Ord. 6237 § 1, 1995; Ord. 6071 § 1, 1993; Ord. 5999 § 1, 1992; Ord. 5954 § 4, 1991; Ord. 5928 § 1, 1991; Ord. 4599 § 1, 1978; Ord. 4551 § 1, 1978; Ord. 4502 § 1, 1978; Ord. 4406 § 1, 1977; Ord. 4189 § 1 (part), 1975)

#### **Section 6.04.055 Requirements for self-haulers.**

A. Every occupant of a residential or commercial property desiring to provide removal of solid waste created by their own activity shall first obtain and maintain in full force and effect a self-hauler permit and shall provide solid waste removal service in accordance with said self-hauler permit.

B. Application for self-hauler permits shall be made to the Public Works Director and shall be accompanied by a nonrefundable fee set by resolution.

C. The Public Works Director shall issue the permit upon determining that the applicant is able to transport all solid waste in a safe and sanitary manner in accordance with the provisions of this chapter.

D. Such permit shall be effective for one year from the date of its issue.

E. If the application is denied by the Public Works Director, the applicant shall be

provided with a full statement of the reasons for the denial.

F. A permit may be revoked by the Public Works Director for any violation of law or for failure to comply with the provisions of this chapter by providing the permittee with a written statement of the violations noted.

G. A denial or revocation may be appealed to the Public Safety Committee of the City Council whose decision shall be final. Such appeal shall be filed with the City Clerk within ten days after the receipt of the Public Works Director's written notice of denial or revocation.

H. All solid waste removal pursuant to a valid self-hauler's permit shall be accomplished by the permit holder or the holder's own employees using the permittee's own equipment.

I. All solid waste removed pursuant to a self-hauler permit shall be deposited only at authorized and licensed solid waste disposal sites.

J. All equipment used by a self-hauler's permittee to remove solid waste shall comply with the requirements of Section 6.04.060.

K. Every holder of a self-hauler permit shall submit legible copies of landfill receipts to the Public Works Director on or before the tenth of each month for solid waste deposits made during the previous month at authorized and licensed solid waste disposal sites. (Ord. 6103 § 1, 1994; Ord. 5954 § 5, 1991; Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

#### **Section 6.04.060 Vehicle requirements for conveyance of solid waste.**

A. Passenger motor vehicles shall not be used in the transportation of solid waste upon or along any public street or highway of the City; provided, however, residential self-haulers as provided in Section 6.04.055 may utilize such vehicles upon the condition that the solid waste is so contained as to prevent it from leaking, dripping, falling, blowing or scattering from the vehicle in which it is being conveyed or transported.

B. Trucks used in the collection and transportation of solid waste shall have bodies of watertight metal construction which shall be leakproof and shall be equipped with a close-fitting cover, which shall be affixed in a manner that will prevent dropping, spilling or other loss of solid waste upon the highway during collection and transportation. In lieu of such watertight bodies and covers, separate metal containers with tight-fitting, clamp-on lids may be used.

C. Trucks used in the collection of rubbish shall have solid construction of the floor and body and shall be equipped with a close-fitting covering which shall be affixed in a manner that will prevent the dropping or blowing of any rubbish upon the highway during collection and transportation.

D. All trucks used in the collection and transportation of solid waste and rubbish shall be maintained in a clean, sanitary and neatly painted condition, and shall carry a shovel, broom, first-aid kit and fire extinguisher.

E. Every contractor authorized by the City Council to collect solid waste shall paint his firm name and telephone number in legible letters not less than three inches in height on both sides of all trucks used to collect and transport refuse. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

#### **Section 6.04.070 Collection periods.**

A. Solid waste collection from residential properties shall be provided by all haulers a minimum of once a week.

B. Contractors shall provide collection service to all commercial premises at least once a week; provided, however, collection must be made at least twice a week to those establishments generating garbage; and further provided that nothing in this subsection shall prohibit the contractor from collecting solid waste at a more frequent rate.

C. Solid waste will not be collected on Sundays except in emergencies and as approved by the Public Works Director.

D. Solid waste collection within or in close proximity to residential areas shall not

commence prior to five-thirty a.m. on any day. (Ord. 5954 § 6, 1991; Ord. 5928 § 1, 1991; Ord. 5379 §§ 1, 2, 1986; Ord. 4965 § 1, 1981; Ord. 4214 § 1, 1975; Ord. 4189 § 1 (part), 1975)

**Section 6.04.075 Prohibition against scavenging.**

It shall be unlawful for any person other than the owner or agent or employee of the owner of a solid waste or recyclable material receptacle, a solid waste hauler or the person or agent or employee of the person for whom a solid waste or recyclable material receptacle is contracted or placed to collect refuse or recyclable material to rummage in, disturb, interfere, scavenge, or remove refuse or recyclable material from officially designated refuse and recyclable containers. (Ord. 6755 § 1, 2004; Ord. 6424 § 3, 1998; Ord. 5928 § 1, 1991; Ord. 5855 § 1, 1990; Ord. 5326 § 1, 1985; Ord. 4189 § 1 (part), 1975)

**Section 6.04.080 Dumping, placing, burning and burial restrictions.**

A. No person shall throw, drop, leave, dump, bury, burn, place, keep, accumulate or otherwise dispose of any waste matter, including but not limited to garbage, hazardous waste, refuse, recyclable materials, rubbish, or solid waste as defined in Section 6.04.010 upon any lot, land, street, alley, water or waterway, either with or without intent to later remove same.

B. Solid waste may not be buried on any lot in the City. This Section shall not be interpreted to prohibit composting of yard waste. (Ord. 6875 § 2, 2006; Ord. 5928 § 1, 1991; Ord. 4599 § 2, 1978; Ord. 4189 § 1 (part), 1975)

**Section 6.04.090 Unsightly solid waste deemed nuisance.**

Solid waste, which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property by neighbors, is a public nuisance within the meaning and subject to the provisions of this Code. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.100 Property owner alley clearance duties.**

No person owning, leasing or occupying property adjoining any public alley in the City shall fail, refuse or neglect to keep that portion of such alley between the centerline thereof and the property line of such property free from solid waste. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.110 Care of animal habitation.**

Every owner, lessee, tenant or occupant of any lot, place or premises within the City on which any horse, cow, barnyard fowl or other animals are kept, or of any place where manure or urine from such animals accumulates, shall at all times keep or cause to be kept the lot, premises or place, and the appurtenances thereof, in a clean and wholesome condition. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.120 Manure removal from premises.**

Unless all manure accumulating on any premises is removed daily, boxes or receptacles of a design and construction acceptable to the Riverside County Health Officer shall be provided by each owner, lessee, tenant or occupant of such places, and the boxes or receptacles shall be used only for the purpose of containing the accumulation of manure and shall be kept tightly closed at all times except when manure is being placed therein or removed therefrom, and in no instance shall manure be so placed in such boxes or receptacles in such a manner as to prevent the tight closing of the lid. The boxes or receptacles shall be maintained to prevent access to the contents thereof by flies. The contents of the boxes or receptacles shall be removed as often as filled, or more often if so required by the Health Officer or his authorized representatives, except that the provisions of this section shall not apply to premises located in the RA Zone as now bounded and defined or may be hereafter bounded and defined by the

Zoning Ordinance and other ordinances of the City and amendments thereto. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.130 Accumulation of waste matter restricted.**

No person owning or occupying any building, lot or premises in the City shall suffer, allow or permit to collect and remain upon such lot or premises any solid waste; provided, however, that this provision shall not be construed as interfering with building under a building permit, or wood neatly piled for kitchen or household use. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.140 Restraint of animals to protect collectors.**

Any occupant owning or possessing an animal on the premises which may bite or attempt to bite a solid waste hauler while engaged in collecting refuse shall be required to secure the animal(s) or place the receptacles in such manner that such animal shall not constitute a hazard or to endanger a solid waste hauler. In addition to any criminal penalties specified in this code, failure to adhere to the requirements of this section shall be cause for suspension of collection service during such time as there exists any such danger or hazard. Suspension of service pursuant to this section shall not relieve any person or firm of the duty to pay solid waste collection charges during such period of suspension. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.150 Regulation-making powers.**

The Public Works Director is authorized to make such rules and regulations not inconsistent with the provisions of this chapter so as to effect efficient collection and removal of waste material by the City or its duly authorized contractors. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.160 Collection areas.**

For purposes of defining the areas of the City in which the City's contractors will operate and in which areas City personnel will collect residential solid waste, a map of the City is on file in the office of the City Clerk. Five areas are identified thereon. The type of service: residential or commercial; exclusive or non-exclusive; City personnel or contractor; are identified in the contracts with City's contract solid waste collectors. Upon a determination by the Public Works Department and at the direction of the Public Works Director that good cause exists or that an annexation has been completed, that map may be modified. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.170 Collection charges.**

The City Council shall by resolution fix and from time to time amend the various charges to be made and paid for solid waste collection. (Ord. 5954 § 7, 1991; Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.180 Inspection of premises--chapter enforcement.**

The duly authorized representative of the Health Officer or Public Works Director shall visit all premises within the City from time to time to examine the sanitary conditions of the premises to determine whether the provisions of this chapter and state laws are being complied with. The Public Works Director shall enforce the provisions of this chapter and properly notify any owner or occupant of any violations of this chapter. Such notice whenever possible shall be affixed to a receptacle or delivered in person. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)



**Section 6.04.190      Alternate enforcement.**

Notwithstanding the provisions of this chapter prescribing specified action in the event of a violation, any other appropriate criminal or civil action may be maintained against the violation and against any person maintaining or permitting the violation. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

**Section 6.04.200      Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have passed this chapter and each section, subsection, clause or phrase hereof irrespective of the fact that any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 5928 § 1, 1991; Ord. 4189 § 1 (part), 1975)

## Chapter 6.05

### DEVELOPMENT PROJECT AREAS FOR COLLECTION AND LOADING OF RECYCLABLE MATERIALS

#### Sections:

- 6.05.010 Findings.**
- 6.05.020 Definitions.**
- 6.05.030 General requirements.**
- 6.05.040 Guidelines for all development projects.**
- 6.05.050 Additional guidelines for single-tenant development projects.**
- 6.05.060 Additional guidelines for multiple-tenant development projects.**
- 6.05.070 Location.**
- 6.05.080 Severability.**

#### **Section 6.05.010 Findings.**

The City Council of the City of Riverside finds and declares that:

A. Cities and counties must divert fifty percent of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities.

B. Diverting fifty percent of all solid waste requires the participation of the residential, commercial, industrial, and public sectors.

C. The lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses can be an impediment to diverting solid waste depending on the City's plan to comply with State waste diversion goals.

D. On July 26, 1994, the City Council conceptually approved a cooperative project between the City and Riverside County Waste Management District to construct a transfer station, designed in such a manner that a mixed waste materials recovery facility (MRF) could be added at a later date if needed to meet state waste diversion goals. Since the MRF is to be designed to process mixed waste, it is not necessary to require separate areas for collecting and loading recyclable materials. Therefore, it is the intention of the ordinance codified in this chapter to declare areas normally required to handle the waste generation needs of a project as adequate for collecting and loading recyclable materials as required under the California Solid Waste and Recycling Access Act of 1991, as long as the MRF facility is planned to handle the City's waste diversion needs. (Ord. 6164 § 1 (part), 1994)

#### **Section 6.05.020 Definitions.**

The following definitions shall apply to the language contained in this ordinance:

"Development projects" means any of the following:

1. A project for which a building permit is required for a commercial, industrial or institutional building, marina, or residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more living units.

2. Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.

3. The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tracts there is an area where solid waste is collected and loaded in a location which serves five or more living units. In such instances, recycling areas as specified in this chapter are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

Improvement. An improvement adds to the value of a facility, prolongs its useful life, or

adapts it to new uses. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

**Public Facility.** The definition of public facility includes, but is not limited to, buildings, structures, marinas, and outdoor recreation areas owned by a local agency.

**Recycling Area (Areas for Recycling).** Space allocated for collecting and loading of recyclable materials, which space will not necessarily be separate from or in addition to the space required for solid waste collection. Such areas shall have the ability to accommodate receptacles for recyclable materials. Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein. (Ord. 6164 § 1 (part), 1995)

#### **Section 6.05.030 General requirements.**

A. Any new development project for which an application for a building permit is submitted on or after September 1, 1994, shall include adequate, accessible and convenient areas for collecting and loading recyclable materials.

B. Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible and convenient areas for collecting and loading recyclable materials.

C. Any existing development project for which an application for a building permit is submitted on or after September 1, 1994 for a single alteration which is subsequently performed that adds thirty percent or more to the existing floor area of the development project shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials.

D. Any existing development project for which an application for a building permit is submitted on or after September 1, 1994 for multiple alterations which are conducted within a twelve-month period which collectively add thirty percent or more to the existing floor area of the development project shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials.

F. Any existing development project for which multiple applications for building permits are submitted within a twelve-month period beginning on or after September 1, 1994 for multiple alterations which are subsequently performed that collectively add thirty percent or more to the existing floor area of the development project shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials.

G. Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1994 an application for a building permit for multiple alterations which are conducted within a twelve-month period which collectively add thirty percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum, be sufficient in capacity, number and distribution to serve that portion of the development project which said tenant leases.

H. Any existing development project occupied by multiple tenants, one of which submits within a twelve month period beginning on or after September 1, 1994 multiple applications for building permits for multiple alterations which are subsequently performed that collectively add thirty percent or more to the existing floor areas of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum, be sufficient in capacity, number and distribution to serve that portion of the development project which said tenant leases.

L. Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the

alterations. (Ord. 6164 § 1 (part), 1995)

**Section 6.05.040 Guidelines for all development projects.**

A. Recycling areas should be designed to be architecturally compatible with nearby structures to the specifications of the Planning Department and with the existing topography and vegetation.

B. The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

C. The design, construction and location of recycling areas shall not be in conflict with any applicable federal, State, or local zoning standards and laws relating to fire, building, access, transportation, circulation or safety.

D. Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.

E. Driveways and/or travel aisles shall provide adequate access and clearance for garbage collection.

F. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein may be posted adjacent to all points of direct access to the recycling areas if a separate recycling area is established in accordance with standards established under Chapter 19.76 of this code.

G. Developments and transportation corridors adjacent to recycling areas shall be adequately protected for any adverse impacts such as noise, odor, vectors or glare through measures including, but not limited to, maintaining adequate separation, fencing and landscaping. (Ord. 6726 §2, 2004, Ord. 6164 § 1 (part), 1995)

**Section 6.05.050 Additional guidelines for single-tenant development projects.**

A. Areas for recycling shall be adequate in capacity, number and distribution to serve the development project.

B. Dimensions of the recycling area shall accommodate receptacles sufficient to meet the recycling needs of the development project.

C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project should be located within the recycling area. (Ord. 6164 § 1 (part), 1995)

**Section 6.05.060 Additional guidelines for multiple-tenant development projects.**

A. Recycling areas shall, at a minimum, be sufficient in capacity, number and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section 6.05.030 of this chapter.

B. Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section 6.05.030 of this chapter.

C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area pursuant to Section 6.05.030 of this chapter should be located within the recycling area. (Ord. 6164 § 1 (part), 1995)

**Section 6.05.070 Location.**

A. Recycling areas shall not be located in any area required to be constructed or

maintained as unencumbered, according to any applicable federal, State or local zoning standards and laws relating to fire, access, building, transportation, circulation or safety.

B. Any and all recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be within or adjacent to the solid waste collection areas. (Ord. 6164 § 1 (part), 1995)

**Section 6.05.080 Severability.**

All provisions of this chapter are severable and, if for any reason any sentence, paragraph or section of this chapter shall be held invalid, such decision shall not affect the validity of the remaining parts of the chapter. (Ord. 6164 § 1 (part), 1995)

## Chapter 6.08

### REGULATION OF FOOD ESTABLISHMENTS AND FOOD FACILITIES

#### Sections:

6.08.010	Definitions.
6.08.020	Grading.
6.08.030	Inspections.
6.08.040	Permits.
6.08.045	Closed booths or compartments in restaurants declared unlawful.
6.08.050	Criminal penalties.
6.08.060	Public nuisance declaration.
6.08.070	Civil penalties.
6.08.080	Right of inspection.
6.08.090	Severability.

#### Section 6.08.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

A. "Food Establishment" shall mean a food establishment as defined in the California Uniform Retail Food Facilities Law, Section 113780 of the California Health and Safety Code. These are commonly referred to as restaurants, markets, delis or similar operations.

B. "Food Facilities" shall mean a food facility as defined in Section 113785 of the California Health and Safety Code. These are commonly referred to as wholesale food facilities, vehicles, vending machines, satellite food distribution facilities, open-air barbecues, certified farmers markets, stationary food preparation units and mobile food preparation units. This definition also includes commercial food establishments.

C. "Enforcement Officer" shall mean the Riverside County Director of the Department of Environmental Health Services and his or her duly authorized Environmental Health Specialists.

D. "Food Preparation" shall mean food preparation as defined in Section 113790 of the California Health and Safety Code.

E. "Official Inspection Form" shall mean the form provided by the Riverside County Department of Environmental Health Services. (Ord. 6429 § 2, 1998; Ord. 4549 § 1, 1978; Ord. 4487 § 1, 1977; Ord. 4259 § 1, 1976; prior code § 12.1)

#### Section 6.08.020 Grading.

A. All food establishments and food facilities shall be inspected and graded uniformly using an official form. The grade of each food establishment shall be determined by the Enforcement Officer using the scoring method provided on the Official Inspection Form. The grade of each food establishment shall be evidenced by the posting of a Grade Card bearing the letter, "A", "B" or "C".

1. The letter "A" shall indicate a score of ninety percent or higher, and indicates that the food establishment passed the inspection by meeting those minimum health standards as set forth by the State of California in the California Retail Food Facilities Law, California Health and Safety Code, Chapter 4, Sections 113700, et seq., and interpreted by the Enforcement Officer. Grade "A" Cards shall be printed in blue on High-Impact White Styrene Plastic.

2. The letter "B" shall indicate a score of less than ninety percent, but not less than eighty percent, and indicates that the food establishment has not passed the inspection and does not meet minimum health standards. Grade "B" Cards shall be printed in green on High-Impact White Styrene Plastic.

3. The letter "C" shall indicate a score of less than eighty percent, and indicates that the food establishment has failed the inspection and has conditions existing which may pose a potential or actual threat to public health and safety. The facility may also be ordered closed, with its permit being suspended or revoked by the Enforcement Officer. Grade "C" Cards shall be printed in red on High-Impact White Styrene Plastic.

B. The Grade Card shall be provided by the Enforcement Officer and shall be nine inches by eleven inches in size. The grade letter shall not be more than five inches in height.

C. The Grade Card shall be posted in a conspicuous place selected by the Enforcement Officer, at or near each entrance to the food establishment used by its patrons, and shall be removed only by the Enforcement Officer.

D. It shall be unlawful to operate a food establishment unless the Grade Card is in place as posted by the Enforcement Officer.

E. Private schools and public schools shall not be required to post a Grade Card.

F. Food facilities and food establishments which are not engaged in food preparation shall not be required to post a Grade Card. (Ord. 6429 § 2, 1998; Ord. 4259 § 2, 1976; Prior code §§ 12.3, 12.7, 12.8)

#### **Section 6.08.030      Inspections.**

A. The Enforcement Officer shall inspect each food facility and food establishment at regular intervals. All food establishments and food facilities shall comply with those requirements set forth in the California Uniform Retail Food Facilities Law, as amended and appearing in California Health and Safety Code Sections 113700, et seq.

B. A signed copy of the official Inspection Form shall be delivered to the owner, operator, or person in charge of the food establishment or food facility who shall sign in receipt thereof.

C. Any food establishment or facility that has received a "B" or "C" grade shall receive a reinspection within five working days of the initial inspection, or as otherwise arranged with the facility operator, to assure that the violations have been corrected. The Grade "B" or "C" shall remain posted at the food establishment, indicating to the public that the particular food establishment failed to maintain minimum health standards during its most recent routine inspection performed by the Department of Environmental Health Services.

D. If, after a reinspection of the food establishment or facility, the score is not ninety percent or higher, any or all of the following legal actions may ensue:

1. Administrative hearing offered for the suspension or revocation of the license pursuant to Health and Safety Code Sections 113950, et seq.

2. Issuance of a citation.

3. Initiation of civil, criminal or other legal proceedings.

E. Notwithstanding the foregoing, the Enforcement Officer may order immediate closure of a facility or establishment pursuant to Health and Safety Code Section 113960 whenever the Officer reasonably believes the facility or establishment to present an immediate danger to the public health or safety.

F. Any reinspections following legal actions, other than one reinspection following an initial administrative hearing, will result in the operator being charged an hourly on-site fee. (Ord. 6429 § 1998; Prior code §§ 12.3, 12.4)

#### **Section 6.08.040      Permits.**

No person shall operate a food establishment or facility without holding a valid permit issued by the Department of Environmental Health Services. Application for a permit shall be made to the Department of Environmental Health Services upon a form provided by the Department, and shall be accompanied by a fee as established by resolution of the City Council. A permit shall be valid for not more than one year. (Ord. 6429 § 2, 1998)

**Section 6.08.045      Closed booths or compartments in restaurants declared unlawful.**

It is unlawful for any person to establish, operate or maintain in any restaurant open to the public in the City any closed booth or private compartment screened or shut off from the view of persons in the main portion of such restaurant. (Ord. 6429 § 2, 1998; Prior Code §§ 12.9, 12.10)

**Section 6.08.050      Criminal penalties.**

A. Any person violating any provision of this Chapter shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each day during which any violation of this Chapter is committed or allowed to exist.

B. Any individual convicted of a violation of this Chapter shall be:

1. Guilty of an infraction and punished by a fine of not less than fifty dollars, but not to exceed one hundred dollars for the first offense.

2. Guilty of an infraction and punished by a fine of not less than one hundred dollars, but not to exceed two hundred dollars for the second offense.

3. The third and any subsequent offense shall constitute a misdemeanor, and shall be punishable by a fine of not less than five hundred dollars, but not to exceed one thousand dollars and/or up to six months in the County jail, or both.

C. Notwithstanding the foregoing, a first or second offense may be charged and prosecuted as a misdemeanor.

D. Payment of any penalty herein shall not relieve an individual from the responsibility of correcting the violations as noted on the official Inspection Report Form. (Ord. 6429 § 2, 1998; Ord. 4487 § 3, 1977)

**Section 6.08.060      Public nuisance declaration.**

In addition, any violation of this Chapter is hereby deemed to be public health nuisance and may be abated by the Enforcement Officer, irrespective of any other remedy hereinabove provided. (Ord. 6429 § 2, 1998)

**Section 6.08.070      Civil penalties.**

Any person who willfully violates any provision of this Chapter, in addition to any criminal penalties, shall be liable for a civil penalty of between fifty dollars and two hundred fifty dollars for each day of violation. The enforcement agency shall be authorized to file and maintain an action in a court of appropriate jurisdiction to collect any such civil penalty arising under this section. (Ord. 6429 § 2, 1998)

**Section 6.08.080      Right of inspection.**

Pursuant to California Health and Safety Code Section 113925, the Enforcement Officer shall have the right to inspect any food facility or establishment, or any facility suspected of being a food establishment or facility, at any reasonable time. If inspection is refused, the permit may be suspended or revoked, and/or the owner or operator shall be guilty of an infraction or misdemeanor offense. (Ord. 6429 § 2, 1998)

**Section 6.08.090      Severability.**

In any provision, clause, sentence or paragraph of this Chapter, or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Chapter which can be given effect without the invalid provision or application and, to this end, the provisions of this Chapter are hereby declared to be severable. (Ord. 6429 § 2, 1998)



## **Chapter 6.09**

### **REGULATION OF FOOD HANDLERS**

#### **Sections:**

<b>6.09.010</b>	<b>Purpose and intent.</b>
<b>6.09.020</b>	<b>Definitions.</b>
<b>6.09.030</b>	<b>Food Worker's Certificate required.</b>
<b>6.09.040</b>	<b>Exemption.</b>
<b>6.09.050</b>	<b>Application for Food Worker's Certificate.</b>
<b>6.09.060</b>	<b>Qualification for Food Worker's Certificate.</b>
<b>6.09.070</b>	<b>Issuance of Food Worker's Certificate.</b>
<b>6.09.080</b>	<b>Duplicate Food Worker's Certificate.</b>
<b>6.09.090</b>	<b>Revocation of Food Worker's Certificate.</b>
<b>6.09.100</b>	<b>Appeal.</b>
<b>6.09.110</b>	<b>Display of Food Worker's Certificate.</b>
<b>6.09.120</b>	<b>Violation.</b>

#### **Section 6.09.010 Purpose and intent.**

It is the purpose and intent of this Chapter to attain a uniform standard by requiring all food handlers in the City to demonstrate through process of examination that they possess an adequate knowledge of the sanitary principles and practices within the food industry. (Ord. 6429 § 3, 1998)

#### **Section 6.09.020 Definitions.**

As used in this Chapter, the following words and phrases shall have the following meanings:

A. "Food Worker's Certificate" shall mean a statement issued by the County of Riverside Health Officer certifying that a person has satisfactorily demonstrated his or her competency in food sanitation principles and practices.

B. "Food Worker's Manual" shall mean the manual prepared and distributed to food handlers by the County of Riverside Health Officer that describes acceptable procedures and sanitary practices as it pertains to the retail food service industry.

C. "Health Officer" shall mean the Health Officer of the County of Riverside, or his designated representative. (Ord. 6429 § 3, 1998)

#### **Section 6.09.030 Food Worker's Certificate required.**

No person shall engage or serve in any work, occupation or employment which requires or occasions the handling of any food, liquor or material intended for food or drink for human consumption or the handling of any dishes or other articles used in the preparation or service of food or drink for human consumption, who does not hold or produce a Food Worker's Certificate as required by this Chapter within fourteen days after engaging or serving in such work, occupation or employment, and no owner, manager or agent of such owner, or person in charge of any establishment or business shall retain in the employ thereof for the performance of such services, any person who does not hold and produce a Food Worker's Certificate as required by this Chapter within fourteen days after such person engages or serves in such employment. This section shall be effective and enforceable six months after the effective date of the ordinance adopting it. (Ord. 6429 § 3, 1998)

**Section 6.09.040 Exemption.**

Any person who engages or serves or seeks employment relating to domestic or household work or to temporary, occasional or intermittent functions of bona fide religious, charitable or public service organizations, including fraternal organizations, veterans' organizations, established youth organizations, parent-teacher associations, or students in public or private schools under the age of sixteen engaged in school food operations, and civic or community organizations or groups, the primary purpose of which is the betterment of the cultural, social or economic welfare and environment of the community, shall be exempt from the provisions of Section 6.09.030 of this Code. (Ord. 6429 § 3, 1998)

**Section 6.09.050 Application for Food Worker's Certificate.**

Any person who is engaged or intends to engage in an occupation or employment for which a Food Worker's Certificate is required by Section 6.09.030 of this Chapter shall file with the County of Riverside Health Officer an application for such certificate or a renewal thereof in such form as the County of Riverside Health Officer may require, which application shall be accompanied by a nonrefundable fee of ten dollars; provided, however, students sixteen years of age or older engaged in school food operations are exempted from such fee. (Ord. 6429 § 3, 1998)

**Section 6.09.060 Qualification for Food Worker's Certificate.**

To qualify for the issuance or renewal of a Food Worker's Certificate as required by Section 6.09.030 of this Code, the applicant shall have demonstrated his or her knowledge of acceptable practices in the sanitary preparation, service, storage, distribution and sale of food and beverages and the proper sanitation of equipment and facilities. Such demonstration of knowledge shall be by satisfactorily passing an examination conducted by the County of Riverside Health Officer on such subjects, based on the practices and procedures set forth in the Food Worker's Manual. A copy of the latest edition of said manual shall be made available by the County of Riverside Health Officer to those persons applying for a Food Worker's Certificate or renewal thereof. (Ord. 6429 § 3, 1998)

**Section 6.09.070 Issuance of Food Worker's Certificate.**

When qualified pursuant to Section 6.09.060, the applicant shall be issued a Food Worker's Certificate containing the following information: certificate number, name, home address, expiration date and attesting signature. Such certificate shall expire two years after the date it was issued. (Ord. 6429 § 3, 1998)

**Section 6.09.080 Duplicate Food Worker's Certificate.**

A duplicate Food Worker's Certificate, for good cause, may be issued by the County of Riverside Health Officer for a fee of one dollar. (Ord. 6429 § 3, 1998)

**Section 6.09.090 Revocation of Food Worker's Certificate.**

The Food Worker's Certificate may be revoked by the County of Riverside Health Officer upon evidence indicating repeated or continuing violations of accepted practices and procedures in the preparation, service, storage, distribution, or sale of food or beverages, or upon evidence indicating falsification of information required for issuance of such certificate. (Ord. 6429 § 3, 1998)

**Section 6.09.100 Appeal.**

Any person who has an application for a Food Worker's Certificate denied by the County of Riverside Health Officer or who has had such a certificate revoked by the County of Riverside Health Officer, may appeal such denial or revocation by filing with the Clerk, within ten days

after the date of such denial or revocation, a written notice of appeal briefly setting forth the reasons why such denial or revocation is not proper and by paying the fee set by Resolution. The City Clerk shall give notice of the time and place of the hearing to the appellant.

Such appeal shall be heard by the City Council or a Board or Committee designated by the City Council which may affirm, amend or reverse the decision or take such other action as it deems appropriate. In conducting the hearing, City Council or other hearing body shall not be limited by the technical rules of evidence. (Ord. 6429 § 3, 1998)

**Section 6.09.110      Display of Food Worker's Certificate.**

Any person required to have a Food Worker's Certificate shall immediately submit such certificate to his or her employer. It shall be the duty of every such employer to keep on continuous display at the place of employment the Food Worker's Certificate of all such persons employ or engaged therein, and to display therewith a current list of all such persons therein engaged or employed for comparison with such certificates. Upon termination of employment, each unexpired certificate shall be returned to the holder. (Ord. 6429 § 3, 1998)

**Section 6.09.120      Violation.**

Any person violating any of the provisions of this Chapter shall be guilty of an infraction and upon conviction thereof shall be punished by:

- A. A fine not exceeding fifty dollars for the first violation;
- B. A fine not exceeding one hundred dollars for the second violation within one year;
- C. A fine not exceeding two hundred fifty dollars for each additional violation within one year. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 6429 § 3, 1998)

## **Chapter 6.10**

### **REGULATION OF THE SAFETY, OPERATION AND STRUCTURE OF PUBLIC SWIMMING POOLS AND SPAS**

#### **Sections:**

<b>6.10.010</b>	<b>Purpose.</b>
<b>6.10.020</b>	<b>Definitions.</b>
<b>6.10.030</b>	<b>Permits.</b>
<b>6.10.040</b>	<b>Right of inspections.</b>
<b>6.10.050</b>	<b>Inspections.</b>
<b>6.10.060</b>	<b>Records.</b>
<b>6.10.070</b>	<b>New construction and/or modification(s) of existing pool facilities.</b>
<b>6.10.080</b>	<b>Criminal penalties.</b>
<b>6.10.090</b>	<b>Public nuisance declaration.</b>
<b>6.10.100</b>	<b>Civil penalties.</b>
<b>6.10.110</b>	<b>Penalties and cost recovery.</b>
<b>6.10.120</b>	<b>Severability.</b>

#### **Section 6.10.010 Purpose.**

The purpose of this Chapter is to establish a procedure for the enforcement of State statutes and regulations relating to all public swimming pools, spas and bath houses which are artificial in construction and their related lockers, showers and dressing rooms. Pool facilities regulated by this Chapter include, but are not limited to, commercial pools, real estate and community pools, pools in hotels, motels, resorts, duplexes, homeowner associations, mobile home parks, RV parks, campgrounds, apartments, clubs and in public or private schools and other institutions as defined in California Code of Regulations Title 22 whether or not an admission fee is charged. This Chapter does not apply to private pools maintained by an individual at a private, single-family residence for the use of family and friends. (Ord. 6429 § 4, 1998)

#### **Section 6.10.020 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Chapter:

A. "Enforcement Officer" shall mean the Riverside County Director of the Department of Environmental Health and his or her duly authorized Environmental Health Specialists.

B. "Hearing Officer" shall mean the Riverside County Director of Environmental Health's designee authorized to conduct hearings for the suspension or revocation of a permit issued under this Chapter.

C. "Official Inspection Form" shall mean the form provided by the Riverside County Department of Environmental Health.

D. "Pool" or "Pool Facility", as used in this Chapter, shall mean swimming pool, pool, wading pool, special use pool, temporary training pool or spa pool, as defined in Section 2 of this ordinance.

E. "Public pool" applies to all those pool or pool facilities listed in Section 65503 of the California Code of Regulations Title 22. Only private pools maintained by an individual for the use of family and friends are exempt from provisions of this Chapter.

F. "Spa Pool" or "Spa" shall mean a pool as defined by Section 65501(f) of the California Code of Regulations Title 22, and means a pool, not used under medical supervision, that contains water of elevated temperature, and incorporates a water jet system, an aeration

system or a combination of the two systems.

G. "Special Use Pools" shall mean a pool as defined by Section 65501(c) of the California Code of Regulations, Title 22, and means pools designed and used exclusively for a single purpose such as wading, instruction, diving, competition or medical treatment where a licensed professional in the healing arts is in attendance.

H. "Swimming Pool" or "Pool" shall mean a pool as defined in Section 65501(a) of the California Code of Regulations Title 22, and means an artificial basin, chamber or tank used, or intended to be used, for public swimming, wading, diving, or recreative bathing, but does not include baths where the main purpose is the cleaning of the body, nor individual therapeutic tubs which are drained and sanitized between each use.

I. "Temporary Training Pool" shall mean a pool as defined by Section 65501(e) of the California Code of Regulations Title 22, and means an artificial basin, chamber or tank intended to be used for instruction in swimming and so constructed as to be readily disassembled for storage or for transporting to and reassembling at a different location.

J. "Wading Pool" shall mean a pool as defined by Section 65501(b) of the California Code of Regulations Title 22, and means an artificial basin, chamber or tank used, or intended to be used, for wading by small children and having a maximum depth of not to exceed forty-six centimeters (eighteen inches) at the deepest point and no more than thirty centimeters (twelve inches) at the side walls. (Ord. 6429 § 4, 1998)

#### **Section 6.10.030 Permits.**

No person shall operate a public pool without obtaining and having in their possession a valid Environmental Health Permit issued by the Riverside County Department of Environmental Health. Application for a permit shall be made to the Riverside County Department of Environmental Health upon a form provided by the department shall be accompanied by a fee as established by Riverside County Ordinance 640. A permit shall be valid for not more than one year, and once issued is non-transferrable. (Ord. 6429 § 4, 1998)

#### **Section 6.10.040 Right of inspections.**

A. Pursuant to California Health and Safety Code Section 24104, the enforcement officer shall have the right to inspect any pool facility, or any facility suspected of being a pool facility, at any reasonable time. If inspection is refused, the permit may be suspended or revoked, and/or the owner or operator shall be guilty of an infraction.

B. Each pool and pump room/pool filter equipment room, if locked shall have keys made available to the enforcement officer by the pool facility's owner/operator. (Ord. 6429 § 4, 1998)

#### **Section 6.10.050 Inspections.**

A. The enforcement officer shall inspect each pool facility and appurtenances at regular intervals. All pool facilities shall comply with those requirements set forth in the California and Safety Code Section 116025 et seq., California Code of Regulations Titles 22 and 24 and the Uniform Building Code.

B. Following an inspection the enforcement officer shall deliver a signed copy of the Official Inspection Form to the owner, operator, or person in charge of the pool facility who shall sign in receipt thereof. In cases where no on-site owner, operator or person in charge is present, the enforcement officer shall mail a copy of the inspection report to the owner/operator's office.

C. Duties of the enforcement officer:

1. The enforcement officer may close the pool/spa if any of the following condition(s) exist:

- a. main drain cannot be seen due to poor water clarity.
- b. heavy algae growth.

- c. main drain(s) cover(s) missing or loose.
- d. no chlorine residual.
- e. excessive chlorine residual (as determined by the enforcement officer).
- f. loose or missing underwater light.
- g. any condition which may be found to exist (and cannot be immediately corrected) which could actually or potentially threaten the public health, welfare, and safety (i.e.: fecal material in the water, gates locked in open position, foreign items in the pool or spa, etc.)
- h. no current Environmental Health Permit.
- i. inadequate pool or spa fencing (i.e., broken or missing fencing or gate(s); not meeting State code, missing or broken self-closing device on gate(s) or door(s) etc.)

2. The Enforcement Officer shall post a "Pool Closed" sign on the gate(s) leading into the pool area, or on the handrails at the shallow and deep ends of the pool. These signs shall only be removed by the Enforcement Officer. The signs shall be a minimum 11" x 8 1/2", printed on white paper or plastic, with bold red lettering.

3. Once the Department has been notified by the owner/operator that the condition(s) for which the pool/spa has been closed have been corrected, a reinspection date will be arranged by the enforcement officer. The pool/spa shall be reopened only after the enforcement officer has verified the violation(s) for which the pool/spa had been closed have been corrected. Authorization to reopen shall be issued by the Enforcement Officer in writing.

D. Any pool facility that has been closed by the Enforcement Officer shall receive a reinspection within seven calendar days of the initial inspection, or as otherwise designated by the Enforcement Officer to ensure that the violations have been corrected. When a "Pool Closed" sign has been posted by the enforcement officer, it shall remain posted at the pool facility indicating to the public that the pool facility failed to maintain the minimum Health and Safety standard during the most recent routine inspection performed by the Department of Environmental Health. It shall be the responsibility of the owner/operator to ensure that the closed sign remains posted and clearly visible to potential pool patrons.

E. After a reinspection of the pool facility, should a serious violation or numerous violations continue to exist and/or condition(s) exist which threaten or potentially threaten the public health and safety, any or all of the following legal actions may be taken by the Enforcement Officer:

- 1. Continued closure of the pool facility.
- 2. Issuance of a citation.
- 3. Initiation of civil, criminal or other legal proceedings.
- 4. Administrative hearing for the suspension or revocation of the Environmental Health Permit.

5. Assessment of a per-hour reinspection fee as established in Riverside County Ordinance 640, for any inspections or reinspections exceeding the two inspections/reinspections as provided for as part of the general operating permit;

F. Any permit may be suspended or revoked by the Enforcement Officer for a violation of this Chapter, including by reference California Health and Safety Code, California Code of Regulations Title 22 and 24, and the California Building Code. Any pool facility for which the permit has been revoked shall close and remain closed until a new permit has been issued. Whenever a local enforcement officer finds that a pool facility is not in compliance with the requirements as set forth in California Health and Safety Code California Code of Regulations Title 22 and 24, and Uniform Building Code, a written notice to comply shall be issued to the permittee. If the permittee fails to comply, the local enforcement officer shall issue to the permittee a notice setting forth the acts or omissions with which the permittee is charged, and informing him or her of a right to a hearing, if requested, to show cause why the permit should not be suspended or revoked. A written request for a hearing shall be made by the permittee within fifteen calendar days after receipt of the notice. A failure to request a hearing within

fifteen calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this fifteen-day period to expedite the permit suspension or revocation process. The hearing shall be held within fifteen calendar days of the receipt of a request for a hearing. Upon written request of the permittee, the hearing officer may postpone any hearing date, if circumstances warrant such action. The hearing officer shall issue a written notice of decision to the permittee within five working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permittee may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within fifteen calendar days of the receipt of a request for a hearing. A failure to request a hearing within fifteen calendar days shall be deemed a waiver of the right to such hearing. The enforcement agency may, after providing opportunity for a hearing, modify, suspend, or revoke a permit for serious or repeated violations of any of the requirements of this Chapter or for interference in the performance of the duty of the enforcement officer. A permit may be reinstated or a new permit issued if the enforcing officer determines that conditions which prompted the suspension or revocation no longer exists.

G. Notwithstanding the foregoing, if any immediate danger to the public health or safety is found, the enforcement officer may temporarily suspend the permit and order the pool facility immediately closed. Immediate danger to the public health and safety means any condition, based upon inspection findings or other evidence, that can cause drowning, disease or other hazardous condition including but not limited to those listed in Section 6.10.050(c)(1) of this Chapter.

H. Failure by the owner/operator to abate within twenty-four hours an immediate and severe danger to public health may result in an order to drain the pool and/or secure the area as to prevent access by children or adults. This includes, but is not limited to the erection of a fence (if one does not already exist) around the pool in question.

I. Any reinspection following legal actions, other than one reinspection after an initial administrative hearing, will result in the owner/operator being charged an hourly on-site fee. (Ord. 6429 § 4, 1998)

#### **Section 6.10.060      Records.**

A daily record of the operation of the pool shall be kept by the owner or operator on forms supplied by the enforcement officer. These records shall be available at the pool facility for review by the enforcement officer upon request. (Ord. 6429 § 4, 1998)

#### **Section 6.10.070      New construction and/or modification(s) of existing pool facilities.**

Every person proposing to construct or remodel a public swimming pool or bathhouse, or related locker, shower or dressing room, pool and/or spa fencing shall submit the plans and specifications to the enforcement officer for approval prior to construction. The enforcement officer shall check the plans for compliance with the provisions of the California Code of Regulations. This plan check is in addition to plan check and inspection by City's building official. (Ord. 6429 § 4, 1998)

#### **Section 6.10.080      Criminal penalties.**

A. Any person violating any provision of this Chapter is guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each day during which any violation of this Chapter is committed or allowed to exist.

B. Any individual convicted of a violation of this Chapter shall be:

1. Guilty of an infraction and punished by a fine of not less than fifty dollars, but not to exceed one hundred dollars for the first offense.

2. Guilty of an infraction and punished by a fine of not less than one hundred dollars, but not to exceed two hundred dollars for the second offense.

3. The third and any subsequent offense shall constitute a misdemeanor, and shall be punishable by a fine of not less than five hundred dollars, but not to exceed one thousand dollars and/or six months in County jail, or both.

C. Notwithstanding the foregoing, a first or second offense may be charged and prosecuted as a misdemeanor.

D. Payment of any penalty herein shall not relieve an individual from the responsibility of correcting the violations as noted on the Official Inspection Form.

E. The Riverside County Department of Environmental Health shall collect all infractions and penalties arising under this section. The court shall receive the court administrative fees. (Ord. 6429 § 4, 1998)

**Section 6.10.090      Public nuisance declaration.**

Any violation of this Chapter is hereby deemed to be a public health nuisance dangerous to health and may be abated by the enforcement officer, irrespective of any other remedy herein above provided. As an alternative measure the enforcement officer may file an action with the court to abate the public nuisance. (Ord. 6429 § 4, 1998)

**Section 6.10.100      Civil penalties.**

Any person who willfully violates any provision of this Chapter, in addition to any criminal penalties, shall be liable for a civil penalty of between fifty dollars and two hundred fifty dollars for each day of violation. The enforcement agency shall be authorized to file and maintain an action in a court of appropriate jurisdiction to collect any such civil penalty arising under this section. (Ord. 6429 § 4, 1998)

**Section 6.10.110      Penalties and cost recovery.**

The procedures, remedies and penalties for violation of this Chapter and for recovery of costs related to enforcement are provided for in County of Riverside Ordinance Number 725, which is incorporated herein by this reference. (Ord. 6429 § 4, 1998)

**Section 6.10.120      Severability.**

If any provision, clause, sentence or paragraph of this Chapter, or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of applications of the provisions of this Chapter which can be given effect with the invalid provision or application and, to this end, the provisions of this Chapter are hereby declared to be severable. (Ord. 6429 § 4, 1998)



## **Chapter 6.11**

### **MAINTENANCE AND REHABILITATION OF VACANT AND NEGLECTED BUILDINGS**

#### **Sections:**

- 6.11.010 Findings.**
- 6.11.020 Definitions.**
- 6.11.030 Classification of Nuisances.**
- 6.11.040 Owner Responsibilities.**
- 6.11.050 Administrative Civil Penalties.**
- 6.11.060 Continuous Public Nuisance.**
- 6.11.070 Remedies.**

#### **Section 6.11.010 Findings.**

The City Council finds as follows:

A. Vacant buildings are a major cause and source of blight in both residential and non-residential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not adversely affect the neighborhood.

B. Vacant buildings attract vagrants, gang members and other criminals and are prime locations to conduct illegal criminal activities.

C. Vacant buildings are extremely vulnerable to being set on fire by transients or others using the property illegally.

D. Vacant buildings pose serious threats to the public's health and safety and therefore are declared to be public nuisances.

E. It is the responsibility of property owners to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety or welfare.

F. Vacant buildings (whether or not those buildings are boarded, substandard or unkempt buildings) discourage economic development and hamper appreciation of property values. (Ord. 6969 § 1, 2007)

#### **Section 6.11.020 Definitions.**

For purposes of this title, the term "vacant building" means any structure or building that is unoccupied or occupied by unauthorized persons whether or not it is unsecured or boarded. (Ord. 6969 § 1, 2007)

#### **Section 6.11.030 Classification of Nuisances.**

The following acts and conditions, when performed or existing upon any lot or parcel within the City, are declared to be unlawful and are defined as and declared to be public nuisances per se that are injurious to the public health, safety, and welfare:

A. Buildings or structures that are under construction or rehabilitation and are not completed during the term of a valid building permit or building permit extension issued by the Community Development Director, the Building Official, or their designees.

B. Unoccupied buildings or structures that have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements.

C. Buildings or structures for human use or occupancy that have been left vacant for more than one hundred and eighty (180) days, unless one of the following applies:

1. The building or structure is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building or structure complies with all codes adopted by the City of Riverside, does not otherwise constitute a public nuisance, is ready for use or occupancy and is actively being offered for sale, lease or rent.

3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Actively maintained and monitored means the owner is doing the following:

(a) Maintaining landscaping and plant materials that comply with the Riverside Municipal Code Chapter 6.14, Section 6.14.020. in good condition.

(b) Maintaining the exterior of the building or structure, including, but not limited to, its paint and finishes, windows and doors, fences and walls, porches and patios.

(c) Maintaining the interior of the building or structure free from litter, junk, trash, and debris.

(d) Maintaining the exterior free of trash, debris and graffiti;

(e) Maintaining of the building or structure in continuous compliance with all applicable codes and regulations, including Health and Safety Code section 17920.3.

(f) Preventing criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity. (Ord. 6969 § 1, 2007)

#### **Section 6.11.040      Owner Responsibilities.**

A. Every owner, lessee, occupant, or person having charge or control of buildings, structures, or property within the City is required to maintain the building, structure or property in accord with this chapter.

B. Every owner, occupant or person having charge or control of a building, structure, or property is liable for violations of Chapter 6.11 regardless of any contract or agreement with any third party.

C. The owner of any vacant building, whether boarded by voluntary action of the owner or as a result of enforcement activity by the City, shall rehabilitate the boarded building for occupancy, in accord with all applicable codes and regulations, within one hundred and eighty (180) days after the building is boarded, except as provided in Section 6.11.030C. (Ord. 6969 § 1, 2007)

#### **Section 6.11.050      Administrative civil penalties.**

A. Any owner of a vacant building in violation of this chapter is subject to administrative civil penalties pursuant to procedures set forth in Chapter 1.17 of this Code. (Ord. 6969 § 1, 2007)

#### **Section 6.11.060      Continuous Public Nuisance.**

Notwithstanding the assessment of administrative civil penalties or any other code enforcement remedy, any building which remains vacant for more than one hundred and eighty (180) days is hereby declared to be a permanent public nuisance per se.

Except as provided in Section 6.11.030C, if such building remains vacant for more than one hundred and eighty (180) days, constituting a nuisance as defined in this chapter, the Community Development Director, or his or her designees, shall declare the building to be a permanent public nuisance and seek abatement of such continuous public nuisance pursuant to the procedures set forth in Chapter 6.15 and in compliance with all other applicable provisions of the Riverside Municipal Code. (Ord. 6969 § 1, 2007)

**Section 6.11.070 Remedies**

The provisions of this chapter are nonexclusive and supplementary to existing rights and remedies, and the provisions of this chapter may be enforced by any remedies provided for in this code or otherwise available by law. (Ord. 6969 § 1, 2007)

## **Chapter 6.12**

### **DEAD ANIMALS**

#### **Section:**

#### **6.12.010      Disposition of dead animals.**

#### **Section 6.12.010      Disposition of dead animals.**

The bodies of any dead animals within the City shall be promptly removed to such place as may be designated by the health officer. In case the owner of any such dead animal is known, such owner shall pay the cost of removal of such dead animal. In case the owner of such dead animal is not known, the occupant or owner of the premises upon which such dead animal is found shall pay the charges for removal, or if found upon any public street, park or alley, the City shall pay for the removal of such dead animal. The City Council shall fix the charges to be made by the collector for the removal of dead animals. It is unlawful for any person to place the body of any dead animal in any street, park or alley within the City. (Prior code § 6.1)

## **Chapter 6.14**

### **PROPERTY MAINTENANCE**

#### **Sections:**

- 6.14.010 Findings.**
- 6.14.020 Landscape Maintenance.**
- 6.14.030 Exterior Structure Maintenance.**
- 6.14.040 Enforcement.**

#### **Section 6.14.010 Findings.**

The City Council finds and determines as follows:

A. The property values and the general welfare of the City of Riverside are founded, in part, upon the appearance and maintenance of private property located within the City.

B. The lack of landscaping and/or landscape maintenance on private property, including overgrown, dead, or decayed vegetation and weeds and the accumulation of rubbish and debris, is a condition that is injurious to the public health, safety and welfare of the residents of the City of Riverside.

C. The lack of exterior structure maintenance, including, but not limited to, partially destroyed or partially constructed buildings; unpainted buildings or portions of buildings; broken windows; and damaged or defective building exteriors; roofs, walls, fences, driveways, sidewalks or walkways, is injurious to the public health, safety and welfare of the residents of the City of Riverside. (Ord. 6970 § 2, 2007)

#### **Section 6.14.020 Landscape maintenance.**

A. It shall be unlawful for any person owning or having possession or control of any property subject to the provisions of Chapter 19.62 of this Code for which landscaping standards or requirements were established by the Zoning Administrator or Planning Commission to fail to maintain such landscaping that is visible from the public right-of-way in accordance with such conditions of approval imposed thereon and generally recognized horticultural standards.

B. It shall be unlawful for any owner and/or occupant of any property visible from the public right-of-way and used for commercial, office, industrial or residential purposes to:

1. Allow or permit on such property overgrown vegetation including trees, shrubbery, ground covers, lawns and other plantings.

2. Allow or permit on such property dead, decayed or diseased trees, shrubs, or other vegetation.

3. Fail to provide and properly maintain landscaping in required yard areas not covered by buildings, related structures, and driveways in a residential zone; provided, however, consideration shall be given to the uses permitted in the underlying residential zone. Landscaping is grass, trees, plants, shrubs, flowers, or permitted decorative bark, concrete, and rock.

4. Fail to provide and properly maintain landscaping in required landscape areas on property zoned for commercial or industrial use. Landscaping on commercial and industrial properties cannot be decorative bark, concrete, or rock unless prior approval in writing is obtained from the Community Development Director or his or her designee or unless approved in accord with Chapter 19.62.

C. It shall be unlawful for any person owning or having possession or control of any property to maintain such property in violation of the following minimal standards:

1. Landscaped areas shall be kept free from weeds and debris;

2. All plant materials shall receive regular maintenance, including but not limited to, watering, fertilizing, mowing, and trimming;
  3. Any damaged, dead, diseased, or decaying plant materials shall be removed and replaced;
  4. Irrigation systems shall be kept in proper working order to provide proper amounts of water and proper coverage; and
  5. Landscape screening materials, such as hedges, shall be pruned to maintain their screening ability.
- D. Owners and/or occupants of properties fronting on, or adjacent to, any portion of a street shall comply with the provisions of this section 6.14.020 as well as Chapter 13.06 for any landscaping along the street or within the street right-of-way adjacent to their property, fronting on, or adjacent to, any portion of the street, that includes the care of public or private parkways.
- E. Nothing in this section shall be interpreted to require removal of biological resources as described in the Western Riverside County Multi-Species Habitat Conservation Plan. (Ord. 6970 § 2, 2007)

**Section 6.14.030 Exterior Structure Maintenance.**

It shall be unlawful for any person owning or having possession and control of any property to maintain any structures on the property with a lack of exterior structure maintenance, as described in Section 6.14.010 C. (Ord. 6970 § 2, 2007)

**Section 6.14.040 Enforcement.**

The provisions of this chapter may be enforced through the administrative code enforcement remedies set forth in Chapter 1.17 of this code in addition to all other proceedings authorized by this code or otherwise by law. (Ord. 6970 § 2, 2007)

## **Chapter 6.15**

### **ABATEMENT OF PUBLIC NUISANCES**

#### **Sections:**

<b>6.15.010</b>	<b>Purpose.</b>
<b>6.15.015</b>	<b>Definitions.</b>
<b>6.15.020</b>	<b>Declaration of nuisances.</b>
<b>6.15.021</b>	<b>Summary Abatement.</b>
<b>6.15.022</b>	<b>Method of giving notice.</b>
<b>6.15.025</b>	<b>Determination of nuisance.</b>
<b>6.15.030</b>	<b>Appeal.</b>
<b>6.15.035</b>	<b>Time limit for compliance.</b>
<b>6.15.040</b>	<b>Abatement by City.</b>
<b>6.15.041</b>	<b>Report of abatement costs.</b>
<b>6.15.042</b>	<b>Recovery of attorneys' fees and report of attorneys' fees.</b>
<b>6.15.043</b>	<b>Treble damages.</b>
<b>6.15.045</b>	<b>Protest of abatement costs.</b>
<b>6.15.050</b>	<b>Council action.</b>
<b>6.15.055</b>	<b>Imposition of special assessment lien and notice.</b>
<b>6.15.056</b>	<b>Recording of nuisance abatement lien.</b>
<b>6.15.060</b>	<b>Collection of costs and attorney's fees prior to hearing.</b>
<b>6.15.065</b>	<b>Alternative remedies.</b>

#### **Section 6.15.010 Purpose.**

It is hereby declared to be in the public interest to promote the health, safety and welfare of the residents of the City of Riverside by providing procedures for the abatement of nuisances as declared by the City Council of the City of Riverside, which abatement procedures shall be in addition to all other proceedings authorized by this Code or otherwise by law. (Ord. 6844 § 4, 2006; Ord. 5910 § 1, 1991)

#### **Section 6.15.015 Definitions.**

For the purpose of this Chapter the following words and phrases shall have the meanings given herein:

"Abandoned vehicle" means an unlicensed or physically inoperable vehicle.

"Abatement" means the demolition, removal, repair, maintenance, construction, reconstruction, replacement, or reconditioning of structures, appliances or equipment; or the removal, transportation, disposal and treatment of waste and abandoned materials and equipment capable of harboring, breeding, or attracting rodents or insects or producing odors or blight.

"Agricultural groves" means any grove of ten or more trees on a parcel or lot.

"Attractive nuisance" means any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril which exists, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it. Attractive nuisances may include, but shall not be limited to:

1. Abandoned and/or broken equipment;
2. Swimming pools being used as fish ponds or other uses contrary to permitted swimming or other pool uses, subject to state or local regulations requiring, without limitation, that drains be visible from the water's surface and that the water be filtered;

3. Hazardous and/or unmaintained pools, ponds, culverts, excavations; and
4. Neglected machinery.

"Building" means any structure including, but not limited to any house, garage, duplex, apartment, condominium, stock cooperative, mobile home, or other residential structure or any portion thereof, which is designed, built, rented or leased to be occupied or otherwise is intended for supporting or sheltering any use or occupancy, and any commercial, industrial, or other establishment, warehouse, kiosk, or other structures affixed to or upon real property, used for the purpose of conducting a business, storage or other activity.

"Construction material" means any discarded material from the building or destruction of structures, road and bridges including concrete, rocks, asphalt, plasterboard, wood and other related material.

"Code Compliance Manager" shall mean the Code Compliance Manager for the City of Riverside.

"Code Enforcement Manager" shall mean the Code Enforcement Manager, Code Enforcement Division of the Community Development Department for the City of Riverside.

"Excavation" means any wells, shafts, basements, cesspools, septic tanks, fish ponds, and other like or similar conditions more than six inches in diameter and three feet in depth.

"Foul" means very offensive to the senses.

"Garbage" means any putrescible animal, fish, fowl, food, fruit, or vegetable matter resulting from the cultivation, preparation, storage, handling, decay or consumption of the substance.

"Hazardous materials and waste" means any chemical, compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State of California as a "hazardous waste" as defined in 40 C.F.R. §§§§ 261.1 through 261.33, except that for purposes of this Chapter, hazardous waste also shall include household waste as defined in 40 C.F.R. 261.4(B)(1).

"Hearing Officer" means the individual appointed by the City Manager of the City of Riverside to hear the appeal on a determination of the existence of a nuisance.

"Noxious" means hurtful or unwholesome.

"Odor" means any smell, scent, or fragrance.

"Owner" means any person, agent, firm or corporation having legal or equitable interest in the property.

"Premises" means any lot or parcel of land upon which a building is situated, including any portion thereof improved or unimproved, and adjacent streets, sidewalks, parkways and parking areas.

"Property" means any lot or parcel of land, including any alley, sidewalk, parkway or unimproved public easement.

"Refuse" means any putrescible and nonputrescible solid waste, except sewerage, whether combustible or noncombustible and includes garbage and rubbish.

"Stagnant water": Water which is allowed to become stagnant contained in ditches, pools, ponds, streams excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, tires, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind or other containers or devices which may hold water.

"Unmerchantable" means unsalable.

"Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a highway, or upon water, excepting a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.

"Violator" means any responsible party, including the landowner, or lessee, tenant, or any other person who had possession or custody of the property.

"Waste matter" means any rubbish or construction material.



"Weeds" means useless and troublesome plants generally accepted as having no value and frequently of uncontrolled growth. (Ord. 6844 § 5, 2006; Ord. 6788 § 3, 2005; Ord. 5910 § 1, 1991)

#### **Section 6.15.020 Declaration of nuisances.**

It is unlawful and is hereby declared a nuisance for any person owning, leasing, occupying or having charge or possession of any property and any vehicles thereon, in the City to maintain the property in such a manner that any of the following conditions are present:

A. The existence of any garbage, rubbish, refuse or waste matter upon the premises contrary to the provisions of Chapter 6.04 of the Riverside Municipal Code.

B. The existence of weeds upon the premises, including public sidewalks, streets or alleys between said premises and the centerline of any public street or alley.

C. The existence of overgrown, dead, decayed, diseased or hazardous trees, and other vegetation, including but not limited to dead agricultural groves which are: (1) likely to attract rodents, vermin or other nuisances, or (2) constitutes a fire hazard, or (3) is dangerous to the public safety and welfare.

D. Overgrown vegetation including trees, shrubbery, ground cover, lawns and decorative plantings which substantially detract from the aesthetic and property values of neighboring properties.

E. Any abandoned or discarded furniture, stove, refrigerator, freezer, sink, toilet, cabinet, or other household fixture or equipment visible from a public right-of-way.

F. The existence of any abandoned, wrecked, dismantled or inoperative motor vehicle upon the premises contrary to the provisions of Chapter 9.28 of the Riverside Municipal Code.

G. The storage or parking of certain vehicles as follows:

1. The storage or parking of trucks exceeding the manufacturer's gross vehicle weight rating of 10,000 pounds on all areas of all residential zones, and the storage or parking of other vehicles on the landscaped front and street side yard setback area of all residential zones, including but not limited to the front lawn areas, contrary to the provisions of Riverside Municipal Code §§ 19.74.052, 19.74.060 and 19.74.150.

2. The storage or parking of vehicles on any unpaved parcel of property where such vehicle (a) is likely to disrupt traffic flow in the City; (b) stir up dust from driving on the unimproved surface; (c) negatively impact the aesthetics of the City; (d) allow oils and other unwanted substances to drip onto the untreated dirt surface; and/or (e) cause traffic obstructions by impeding the line of vision of drivers at intersections. Vehicles parked in conjunction with a temporary use as permitted under Riverside Municipal Code Chapter 19.69 are excepted.

H. The outdoor storage of personal property on private property as follows:

1. Any furniture (except for furniture specifically designed for outdoor use), on porches, balconies, sun decks, front, side and/or rear yards, any other personal property not designed for outdoor use and in good working order;

2. The existence of any hay, straw, lumber, papers, or other substances, junk, packing boxes, recyclable materials, salvage materials, building/construction materials, equipment; unless necessarily kept or stored under validly permitted, current construction; appliances, commercial/industrial machinery and/or equipment (whether operable or inoperable); and

3. Any item causing an unsightly appearance which is visible from the public right-of-way or sites of neighboring properties or which provides a harborage for rats and/or other vermin, or creates any other potential health hazard or nuisance.

I. The outdoor storage of personal property on public property as follows:

1. The use of public property to store, maintain, place or abandon any personal property, on any public street, any public sidewalk, any parking lot or public area, improved or unimproved, any public park, parkway, median or greenbelt, except as otherwise provided.

2. Any personal property stored, maintained, placed or abandoned in violation of this section may be removed and discarded at the discretion of the Public Works Director or his designee.

J. Any dangerous or substandard building, whether or not occupied, abandoned, boarded-up or partially destroyed contrary to the provisions of the Uniform Fire Code, Uniform Building Code, Uniform Housing Code, and/or Uniform Code for Abatement of Dangerous Buildings.

K. Peeling or blistering paint on any building or structure such that the condition is plainly visible from a public right-of-way.

L. The existence of loud or unusual noises, or foul or noxious odors which offend the peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable enjoyment of life or property and affect the entire neighborhood or any considerable number of persons.

M. The existence of hazardous substances and waste unlawfully released, discharged, or deposited upon any premises onto any City property.

N. The existence of any stagnant water or water contained in hazardous and/or unmaintained swimming or other pools which obscure required visibility and proper filtering.

O. Any attractive nuisance.

P. Any other condition which is contrary to the public peace, health and safety.

Q. Any other violation of this code pursuant to section 1.01.110E. (Ord. 6844 § 6, 13, 2006; Ord. 6788 § 4, 2005; Ord. 6580 § 1, 2001; Ord. 6347 § 1, 1997; Ord. 6150 § 1, 1994; Ord. 6076 § 1, 1993; Ord. 6022 § 2, 1992; Ord. 5910 § 1, 1991)

#### **Section 6.15.021 Summary Abatement.**

In cases of manifest public danger and/or immediate necessity, the Building Official or the Code Enforcement Manager, or their designees, shall have the authority to immediately call a contractor to abate any public nuisance, which presents an immediate threat to public health or safety, at the sole discretion of the Code Enforcement Manager, Building Official, or their designees. Any such abatement activity may be conducted without observance of any notice requirements described in Chapter 6.15. The City may recover all abatement costs as set forth in Chapter 6.15. (Ord. 6844 § 14, 2006)

#### **Section 6.15.022 Method of giving notice.**

Any notice required by this chapter may be served in any one of the following methods: (1) by personal service on the owner, occupant, or person in charge or control of the property; or (2) by regular mail addressed to the owner or person in charge and control of the property, at the address shown on the last available assessment roll, or as otherwise known; or (3) by posting in a conspicuous place on the premises or abutting public right-of-way, or (4) in the alternative, insertion of a legal advertisement at least once a week for the period of two weeks in a newspaper of general circulation in the City of Riverside. (Ord. 6724 § 4, 2004)

#### **Section 6.15.025 Determination of nuisance.**

A. The Code Enforcement Manager may determine that any premises within the City may constitute a public nuisance pursuant to any provisions of Section 6.15.020 and may initiate abatement proceedings pursuant to this Chapter. The Code Enforcement Manager or the authorized representative thereof shall set forth in such determination in a notice to abate which shall identify the premises and state the conditions which may constitute the nuisance and shall require that such conditions be corrected within such time periods set forth in the notice to abate.

B. The notice to abate to the owner or person in control or charge of the property shall include (1) the condition or conditions on the premises creating the nuisance; (2) a reasonable

time limit to abate the nuisance; and (3) the right to appeal. The notice shall direct the abatement of the nuisance and refer to this chapter for particulars.

C. The notice shall be served not less than ten calendar days before the date of the hearing. Failure of the owner to accept or otherwise receive such notice shall not affect the validity of any proceeding pursuant to this Chapter.

D. "Owner" as used in this chapter shall mean any person in possession and also any person having or claiming to have any legal or equitable interest in said premises, as disclosed by a current title search from any accredited title company. (Ord. 6844 § 7, 2006; Ord. 6724 § 5, 2004; Ord. 5910 § 1, 1991)

#### **Section 6.15.030 Appeal.**

A. Within ten days from the date of giving notice to abate, the violator may file an appeal to the determination of the nuisance with the Code Enforcement Manager. Such appeal shall be in writing and shall identify the property subject to the Notice to Abate. The Code Enforcement Manager shall then cause the matter to be set for hearing before a Hearing Officer contracted by the City to hear such matters.

B. Notice of the date of hearing shall be given in writing. The date of the hearing shall be no sooner than fifteen days from the date when notice of the hearing is given to the appellant and to the Code Enforcement Manager.

C. At the time fixed in the notice, the Contract Hearing Officer shall hear the testimony of all competent persons desiring to testify respecting the condition constituting the nuisance.

D. At the conclusion of the hearing, the Hearing Officer shall determine whether or not a nuisance exists, and if the Hearing Officer so concludes, he may declare the conditions existing to be a nuisance and direct the person owning the property upon which the nuisance exists to abate it within ten days after the date of posting on the premises a notice of the Hearing Officer's order. The Hearing Officer may grant additional time to abate the nuisance, if in his or her opinion, good cause for additional time exists.

E. The decision of the Hearing Officer on the determination of nuisance is final. Any appeal of the Hearing Officer's decision shall be governed by California Code of Civil Procedure Section 1094.6 or such section as may be amended from time to time. (Ord. 6844 § 8, 2006; Ord. 6724 § 6, 2004; Ord. 6024 § 1, 1992; Ord. 5910 § 1, 1991)

#### **Section 6.15.035 Time limit for compliance.**

The violator must abate the nuisance within the period of time set forth in the Notice to Abate, or, in case of an appeal, within ten days from the finding of the Hearing Officer or such longer period as may be determined by the Hearing Officer. Unless an emergency situation exists, the violator shall be given at least ten days to abate the nuisance. (Ord. 5910 § 1, 1991)

#### **Section 6.15.040 Abatement by City.**

A. If the nuisance is not abated by the violator within the time limits set forth above in Section 6.15.035, the City, by its employees or any hired contractor, may cause the nuisance to be abated. (Ord. 6724 § 7, 2004; Ord. 6515 § 2, 2000; Ord. 5910 § 1, 1991)

#### **Section 6.15.041 Report of abatement costs.**

A. The Code Enforcement Manager shall thereafter cause a report of the action and an accurate account of the costs to be filed with the City Clerk of the City of Riverside.

B. The statement shall be accompanied by a notice to the owner that the cost of abatement may be protested as set forth in Section 6.15.045. If the cost is not protested within ten calendar days after service, it shall be deemed final. (Ord. 6844 § 9, 2006; Ord. 6724 § 8, 2004; Ord. 6515 § 3, 2000)

**Section 6.15.042      Recovery of attorneys' fees and report of attorneys' fees.**

In any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party shall be entitled to recovery of attorneys' fees. The recovery of attorneys' fees by the prevailing party shall be limited to those individual actions or proceedings in which the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees.

In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding. The City Attorney's Office shall thereafter cause a report of the action and an accurate account of costs to be filed with the City Clerk of the City of Riverside. (Ord. 6515 § 3, 2000)

**Section 6.15.043      Treble damages.**

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this ordinance, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, related to substandard buildings, the court may order the owner to pay treble the costs of the abatement. (Ord. 6515 § 3, 2000)

**Section 6.15.045      Protest of abatement costs.**

A. The property owner may protest the cost of abatement by filing a written request for a hearing on the abatement costs with the Code Enforcement Manager, and the Code Enforcement Manager shall cause a Hearing Officer to be appointed to hear the protest. At the time fixed for the hearing on the statement of abatement costs, the Hearing Officer shall consider the statement and protests or objections raised by the person liable to be assessed for the cost of the abatement.

B. The Hearing Officer may revise, correct or modify the statement as the Hearing Officer considers just and thereafter shall confirm the cost.

C. The decision of the Hearing Officer shall be in writing and shall be served by mail. The decision of the Hearing Officer on the abatement costs shall be final.

D. Any appeal of the Hearing Officer's decision shall be governed by California Code of Civil Procedure Section 1094.6 or such section as may be amended from time to time. (Ord. 6844 § 10, 2006; Ord. 6724 § 9, 2004; Ord. 6515 § 4, 2000; Ord. 5910 § 1, 1991)

**Section 6.15.050      Council action.**

A. If the property owner does not pay the cost of abating the nuisance within thirty calendar days after the cost becomes final or the hearing officer confirms the costs of abatement, the cost shall become a special assessment against the real property upon which the nuisance was abated. The assessment shall continue until it is paid, together with interest at the legal maximum rate computed from the date of confirmation of the statement until payment. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

B. The City Council shall adopt a resolution assessing such unpaid costs of abatement as liens upon the respective parcels of land as they are shown upon the last available assessment roll. (Ord. 6724 § 10, 2004; Ord. 6515 § 5, 2000; Ord. 5910 § 1, 1991)

**Section 6.15.055      Imposition of special assessment lien and notice.**

A. The City Clerk shall prepare and file with the County Auditor a certified copy of the resolution of the City Council assessing the costs of abatement as a lien on the land, adopted pursuant to the preceding section.

B. Notice of lien shall be mailed by certified mail to the property owner, if the property

owner's identity can be determined from the County Assessor's or County Recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the Tax Collector for unpaid delinquent assessments. The Tax Collector's power of sale shall not be affected by the failure of the property owner to receive notice.

C. The County Auditor shall enter each assessment on the County tax roll upon the parcel of land. The assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and procedure and sale in case of delinquency as is provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. (Ord. 6724 § 11, 2004; Ord. 6515 § 6, 2000; Ord. 5910 § 1, 1991)

**Section 6.15.056      Recording of nuisance abatement lien.**

As an additional remedy, the Code Enforcement Manager may cause a nuisance abatement lien for costs related to abatements, other than dangerous building abatements, to be recorded with the Riverside County Recorder's Office, pursuant to the provisions of Government Code Section 38773.1. (Ord. 6844 § 11, 2006; Ord. 6724 § 13, 2004)

**Section 6.15.060      Collection of costs and attorney's fees prior to hearing.**

The Finance Department of the City may accept payment of any amount due at any time prior to the filing of a certified copy of the City Council resolution assessing the abatements costs with the County Auditor. (Ord. 6724 § 12, 2004; Ord. 6515 § 7, 2000; Ord. 5910 § 1, 1991)

**Section 6.15.065      Alternative remedies.**

The procedures established in this Chapter shall be in addition to criminal, civil or other legal or equitable remedies established by law which may be pursued to address violations of this Code or applicable state codes and the use of this Chapter shall be at the sole discretion of the City. (Ord. 6844 § 12, 2006; Ord. 6076 § 2, 1993)

## **Chapter 6.16**

### **FLY-PRODUCING CONDITIONS**

#### **Section:**

#### **6.16.010      Conditions prohibited.**

#### **Section 6.16.010      Conditions prohibited.**

No person shall suffer, permit or have upon his premises, whether owned or leased by him, any one or more of the following fly-producing conditions:

1. Animal manure, in any quantity, which is of a type or which is spread, used, maintained or allowed to become damp or saturated in such a manner as to cause or tend to cause fly breeding, unless protected or treated in a manner acceptable to the Health Officer of the City;
2. Privies, vaults, cesspools, pits, or like places which are not securely protected from flies;
3. Garbage which is not securely protected from flies;
4. Trash, litter, rags, or anything whatsoever in which flies may breed or multiply. (Prior code § 21-.19-1)

## **Chapter 6.20**

### **MOSQUITOES**

#### **Sections:**

- 6.20.010 Mosquito breeding places declared public nuisance.**
- 6.20.020 Abatement provided by chapter is additional remedy.**
- 6.20.030 General powers of City.**
- 6.20.040 Notice to abate nuisance--Issuance--Contents.**
- 6.20.050 Service of notice.**
- 6.20.060 Appeal from requirements of notice--Conclusive establishment of nuisance.**
- 6.20.070 Time limit for compliance.**
- 6.20.080 Abatement by City.**
- 6.20.090 Payment of cost by owner--Unpaid cost lien on property.**
- 6.20.100 Filing of report and account of unpaid costs--Hearing--Notice.**
- 6.20.110 Hearing procedure--Establishing liens.**
- 6.20.120 Filing resolution assessing costs.**
- 6.20.130 Collection of costs prior to hearing.**
- 6.20.140 Assessment entered on tax roll--Collection--Delinquency--Laws applicable.**
- 6.20.150 Exemption from lien provisions.**
- 6.20.160 Interference with City officers or work declared a misdemeanor.**

#### **Section 6.20.010 Mosquito breeding places declared public nuisance.**

The Council hereby finds and declares that any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition is a public nuisance. (Ord. 3452 § 1, 1967)

#### **Section 6.20.020 Abatement provided by chapter is additional remedy.**

A. The nuisance may be abated in the manner provided in this chapter, in any action or proceeding, or by any other remedy provided by law.

B. Any remedy provided in this chapter for the abatement of a nuisance is in addition to any other remedy provided by law. (Ord. 3452 § 2, 1967)

#### **Section 6.20.030 General powers of City.**

In addition to all other powers, authority and rights retained, held or otherwise possessed by the City, the City through its public service department, and without limitation by enumeration, may:

1. Take all necessary or proper steps for the extermination of mosquitoes in the City limits;
2. Abate as nuisances stagnant pools of water and other breeding places for mosquitoes in the City limits;
3. Enter upon any private or public lands, within the City limits, for the purpose of inspection to ascertain whether breeding places of mosquitoes exist upon such lands after a reasonable attempt has been made to notify the owner or person in charge or in possession of said property of intent to enter and inspect; or to abate or reduce public nuisances in accordance with this chapter; or to ascertain if notices to abate the breeding of mosquitoes upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes upon such lands;
4. Do any and all things necessary or incident to the powers granted by this chapter or

otherwise existing in the City and do any and all things necessary or incident to carry out the objects specified in this chapter; provided, however, all entries upon said property, all postings of notices, all inspections, and all work performed by the City, its officers and employees, shall be done between the hours of eight a.m. and five p.m. (Ord. 3452 § 3, 1967)

**Section 6.20.040 Notice to abate nuisance--Issuance--Contents.**

Whenever a nuisance specified in this chapter exists upon any property within the City, the director of the public service department may cause a notice to abate the nuisance to be issued, for the purpose of notifying the record owner, or person in charge of in possession of the property, of the existence of the nuisance. The notice shall direct that the owner shall, within a period of ten days, abate the nuisance by destroying the larvae or pupae that are present or by draining or removing the water, which abatement shall include any work that may be necessary to prevent the recurrence of breeding in the places specified in the notices. Notices served by means other than posting as provided by this chapter shall contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance. The notice shall also contain the provisions of Section 6.20.060. (Ord. 3452 § 4, 1967)

**Section 6.20.050 Service of notice.**

The notice required by Section 6.20.040 shall be served as follows:

1. By personal service on the owner or person in charge or in possession of the property; or
2. By registered mail, addressed to the owner or person in charge or in possession of the property, to his address as given on the last completed assessment roll of the County of Riverside, or, in the absence of an address on the roll, to his last known address, and by posting a copy of said notice in a conspicuous place upon the property for a period of ten days. (Ord. 3452 § 5, 1967)

**Section 6.20.060 Appeal from requirements of notice--Conclusive establishment of nuisance.**

Within ten days from the date of completion of posting and mailing, or within ten days from the date of personal service, of the notice required by Section 6.20.040, the owner or person in charge or in possession of the property affected by such notice may appeal to the City Council for a separate hearing to determine whether or not the nuisance described in this chapter exists. Such appeal shall be in writing and shall be filed with the City Clerk. At the regular meeting or regular adjourned meeting of the City Council, not less than five days nor more than twenty days after filing of the appeal, it shall proceed to hear and pass upon such appeal, and the decision of the City Council thereupon shall be final and conclusive.

In the event the owner or person in charge or possession of the property affected by such notice fails to so appeal, the existence of the nuisance described in the notice shall be conclusively established. (Ord. 3452 § 6, 1967)

**Section 6.20.070 Time limit for compliance.**

Within ten days from the date of completion of posting and mailing, or within ten days from the date of personal service, of the notice required by Section 6.20.040, or in the case of an appeal to the City Council within ten days from the determination by the City Council that the nuisance described in this chapter exists, the owner or person in charge or in possession of the property affected by such notice shall abate the nuisance. (Ord. 3452 § 7, 1967)

**Section 6.20.080 Abatement by City.**

In the event the owner or person in charge or in possession of the property affected by such notice fails to abate the nuisance within the time specified in Section 6.20.070, the Director of the Public Service Department of the City shall cause abatement of the nuisance by



destroying the larvae or pupae or, by other acceptable treatment, reduce or eliminate the nuisance and the director is further authorized to take appropriate measures to prevent the recurrence of further breeding. (Ord. 3452 § 8, 1967)

**Section 6.20.090 Payment of cost by owner--Unpaid cost lien on property.**

The cost of abatement or reduction of a nuisance, in the event the cost exceeds five dollars, shall be repaid by the owner or person in charge or in possession of the property. All repayments not received by the City within forty-five days after billing by the City shall be deemed unpaid and delinquent. All unpaid sums expended by the City in abating or reducing a nuisance or preventing its recurrence shall become a lien upon the property on which the nuisance is abated or reduced, or its recurrence prevented, as hereinafter in this Chapter provided. (Ord. 3452 § 9, 1967)

**Section 6.20.100 Filing of report and account of unpaid costs--Hearing--Notice.**

A report of the proceedings and an accurate account of the unpaid costs of abatement, reduction or prevention of recurrence, of the nuisance on each separate property shall be filed with the City Clerk.

The City Clerk shall thereupon set the report and account for hearing by the City Council at the first regular or adjourned regular meeting which will be held at least seven calendar days after the date of filing, and shall post a copy of such report and account and notice of the time and place of hearing in a conspicuous place at or near the entrance of the City Council chambers. (Ord. 3452 § 10, 1967)

**Section 6.20.110 Hearing procedure--Establishing liens.**

The City Council shall consider the report and account at the time set for hearing, together with any objections or protests by any interested parties. Any owner of land or person interested therein may present a written or oral protest or objection to the report and account. At the conclusion of the hearing, the City Council shall either approve the report and account as submitted or as modified or corrected by the City Council.

The amounts so approved shall be liens upon the respective lots or premises, and the City Council shall adopt a resolution assessing such amounts as liens upon the respective parcels of land as they are shown upon the last available assessment roll, and declaring that such abatement costs were proper for abatement of an existing public nuisance arising out of mosquito breeding conditions. (Ord 3452 § 11, 1967)

**Section 6.20.120 Filing resolution assessing costs.**

The City Clerk shall prepare and file with the County Auditor a certified copy of the resolution of the City Council assessing the costs of abatement as a lien on the land adopted pursuant to Section 6.20.110. (Ord. 6393 § 29, 1997; Ord. 3452 § 12, 1967)

**Section 6.20.130 Collection of costs prior to hearing.**

The Finance Department of the City may accept payment of any amount due at any time prior to the council hearing provided for in Section 6.20.100. (Ord. 3452 § 13, 1967)

**Section 6.20.140 Assessment entered on tax roll--Collection--Delinquency--Laws applicable.**

The County Auditor shall enter each assessment on the County tax roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

Laws relating to levy, collection, and enforcement of County taxes apply to such special

assessment taxes. (Ord. 3452 § 14, 1967)

**Section 6.20.150 Exemption from lien provisions.**

The lien provisions of this Chapter do not apply to the property of any County, City, district or other public corporation. (Ord. 3452 § 15, 1967)

**Section 6.20.160 Interference with City officers or work declared a misdemeanor.**

Any person who obstructs, hinders, or interferes with the entry upon any land mentioned in this chapter of any officer or employee of the City in the performance of this duty, and any person who obstructs, interferes with, molests, or damages any work performed by the City under this chapter, is guilty of a misdemeanor. (Ord. 3452 § 16, 1967)

## **Chapter 6.22**

### **RODENT CONTROL**

#### **Sections:**

<b>6.22.010</b>	<b>Duty to exterminate.</b>
<b>6.22.020</b>	<b>Inspection of places--hours.</b>
<b>6.22.030</b>	<b>Notice to abate--Issuance--Contents.</b>
<b>6.22.040</b>	<b>Service of notice.</b>
<b>6.22.050</b>	<b>Appeal from requirements of notice--Conclusive establishment of infestation.</b>
<b>6.22.060</b>	<b>Time limit for compliance.</b>
<b>6.22.070</b>	<b>Abatement by City.</b>
<b>6.22.080</b>	<b>Payment of costs by owner--Unpaid costs lien on property.</b>
<b>6.22.090</b>	<b>Filing of report and account of unpaid costs--Hearing--Notice.</b>
<b>6.22.100</b>	<b>Hearing procedure--Establishing liens.</b>
<b>6.22.110</b>	<b>Filing resolution assessing costs.</b>
<b>6.22.120</b>	<b>Collection of costs prior to hearing.</b>
<b>6.22.130</b>	<b>Assessment entered on tax roll--Collection--Delinquency--Laws applicable.</b>
<b>6.22.140</b>	<b>Exemption from lien provision.</b>
<b>6.22.150</b>	<b>Interference with City officers or work declared a misdemeanor.</b>
<b>6.22.160</b>	<b>Notice to rodent-proof structures or portions thereof.</b>

#### **Section 6.22.010      Duty to exterminate.**

Every person possessing any place that is infested with rodents, as soon as their presence comes to his knowledge, shall at once proceed and continue in good faith to endeavor to exterminate and destroy the rodents, by poisoning, trapping, and in other appropriate means. (Ord. 3895 § 1 (part), 1972)

#### **Section 6.22.020      Inspection of places--hours.**

The City may inspect all places for the purpose of ascertaining whether they are infested with rodents and whether the requirements of this chapter as to their extermination and destruction are being complied with. However, no building occupied as a dwelling, hotel or rooming house, shall be entered for inspection purposes except between the hours of nine a.m. and five p.m. (Ord. 3895 § 1 (part), 1972)

#### **Section 6.22.030      Notice to abate--Issuance--Contents.**

Whenever any place in the City is infested with rodents, the Director of the Public Service Department may cause a notice to abate to be issued, for the purpose of notifying the record owner, or person in charge of or in possession of the property, of the existence of the infestation of rodents. The notice shall direct that the owner shall, within a period of ten days, commence to proceed and to continue to endeavor to exterminate and destroy the rodents, as required in this chapter. Notices served by means other than posting as provided in this chapter shall contain a description of the property in general terms reasonably sufficient to identify the location of the infestation. The notice shall also contain provisions of Section 6.22.050. (Ord. 3895 § 1 (part), 1972)

#### **Section 6.22.040      Service of notice.**

The notice required by Section 6.22.030 shall be served as follows:

1. By personal service on the owner or person in charge or possession of the property;

or

2. By registered mail, addressed to the owner or person in charge or in possession of the property, to his address as given on the latest assessment roll of the County of Riverside, or, in absence of an address on the roll, to his last known address, and by posting a copy of said notice in a conspicuous place upon the property for a period of ten days. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.050      Appeal from requirements of notice--Conclusive establishment of infestation.**

Within ten days from the date of completion of posting and mailing, or within ten days from the date of personal service, of the notice required by Section 6.22.030, the owner or person in charge or possession of the property affected by such notice may appeal to the City Council for a hearing to determine whether or not a rodent infestation described in this chapter exists. Such appeal shall be in writing and shall be filed with the City Clerk. At the regular meeting or regular adjourned meeting of the City Council, not less than five days nor more than twenty days after filing of the appeal, the City Council shall proceed to hear and pass upon the appeal, and the decision of the City Council thereon shall be final and conclusive.

In the event the owner or person in charge or possession of the property affected by such notice fails to so appeal, the existence of the infestation of rodents described in the notice shall be conclusively established. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.060      Time limit for compliance.**

Within ten days from the date of completion of posting and mailing, or within ten days from the date of personal service, of the notice required by Section 6.22.030, or, in the case of an appeal to the City Council, within ten days from the determination by the City Council that the infestation of rodents exists, the owner or person in charge or in possession of the property affected by such notice shall abate the nuisance. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.070      Abatement by City.**

In the event the owner or person in charge or possession of the property affected by such notice fails, neglects or refuses to proceed and to continue to endeavor to exterminate and destroy the rodents, within the time specified in Section 6.22.060, the Director of the Public Service Department of the City shall at once cause the rodents to be exterminated and destroyed. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.080      Payment of costs by owner--Unpaid costs lien on property.**

The cost of extermination and destruction of the rodents, in the event the cost exceeds fifteen dollars, shall be repaid by the owner or person in charge or possession of the property. All repayment not received by the City within forty-five days after billing by the City shall be deemed unpaid and delinquent. All unpaid sums extended by the City in abating or reducing the infestation of the rodents or preventing recurrence shall become a lien upon the property on which the infestation of rodents is abated or reduced, or its recurrence prevented, as hereinafter in this chapter provided. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.090      Filing of report and account of unpaid costs--Hearing--Notice.**

A report of the proceedings and an accurate account of the unpaid costs of abatement, reduction or prevention of recurrence, of the infestation of rodents on each separate property shall be filed with the City Clerk.

The City Clerk shall thereupon set the report and account for hearing by the City Council at the first regular or adjourned regular meeting which will be held at least seven calendar days after the date of filing, and shall post a copy of such report and account and notice of the time

and place of hearing in a conspicuous place at or near the entrance to the City Council chambers. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.100 Hearing procedure--Establishing liens.**

The City Council shall consider the report and account at the time set for hearing, together with any objections or protests by any interested parties. Any owner of land or person interested therein may present a written or oral protest or objection to the report and account. At the conclusion of the hearing, the City Council shall either approve the report and account as submitted or as modified or corrected by the City Council.

The amount so approved shall be liens upon the respective lots or premises, and the City shall adopt a resolution assessing such amounts as liens upon respective parcels of land as they are shown upon the last available assessment roll, and declaring that such abatement costs were proper for abatement of an existing public nuisance arising out of rodent infestation. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.110 Filing resolution assessing costs.**

The City Clerk shall prepare and file with the County Auditor a certified copy of the resolution of the City Council assessing the costs of abatement as a lien on the land adopted pursuant to Section 6.22.100. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.120 Collection of costs prior to hearing.**

The Finance Department of the City may accept payment of any amount due at any time prior to the council hearing provided for in Section 6.22.100. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.130 Assessment entered on tax roll--Collection--Delinquency--Laws applicable.**

The County Auditor shall enter each assessment on the County tax roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for ordinary municipal taxes.

Laws relating to levy, collection and enforcement of County taxes apply to such special assessment taxes. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.140 Exemption from lien provision.**

The lien provisions of this chapter do not apply to the property of any County, City, district or other public corporation. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.150 Interference with City officers or work declared a misdemeanor.**

Any person who obstructs, hinders or interferes with the entry upon any land mentioned in this chapter of any officer or employee of the City in performance of this duty, and any person who obstructs, interferes with, molests, or damages any work performed by the City under this chapter, is guilty of a misdemeanor. (Ord. 3895 § 1 (part), 1972)

**Section 6.22.160 Notice to rodent-proof structures or portions thereof.**

When the Director of the Public Service Department determines that any building or structure constitutes a rodent harborage, he may serve upon the person in charge or control thereof, a notice in writing to rodent-proof such building or structure within a reasonable time, as stated in such notice. When determined by the Director of the Public Service Department that it is unnecessary to rodent-proof such building or structure in its entirety, he may specify in such notice that portion which is to be rodent-proofed. (Ord. 3895 § 1 (part), 1972)

## **Chapter 6.24**

### **LICENSURE OF TOBACCO RETAILERS**

**Sections:**

<b>6.24.010</b>	<b>Statement of Purpose and Intent.</b>
<b>6.24.020</b>	<b>Definitions.</b>
<b>6.24.030</b>	<b>Sale and Distribution of Tobacco Products; Tobacco Retailer License Required.</b>
<b>6.24.040</b>	<b>Tobacco Retailer License Application Process.</b>
<b>6.24.050</b>	<b>License Issuance; Standards.</b>
<b>6.24.060</b>	<b>Licenses Nontransferable.</b>
<b>6.24.070</b>	<b>Fees for License Renewal and Expiration.</b>
<b>6.24.080</b>	<b>Other Requirements and Prohibitions.</b>
<b>6.24.090</b>	<b>Compliance Monitoring.</b>
<b>6.24.100</b>	<b>Revocation of License.</b>
<b>6.24.110</b>	<b>Tobacco Retailing Without a License.</b>
<b>6.24.120</b>	<b>Enforcement of License Violations.</b>
<b>6.24.130</b>	<b>Settlement in Lieu of Hearing.</b>

**Section 6.24.010 Statement of Purpose and Intent.**

The purpose and intent of this Chapter is to encourage responsible tobacco retailing and discourage violations of tobacco-related laws, especially those that prohibit or discourage the sale or provision of tobacco and nicotine products to minors. There is no intent, however, to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein. (Ord. 6878 § 1, 2006)

**Section 6.24.020 Definitions.**

A. "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an Arms Length Transaction.

B. "Business" means any sole proprietorship, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

C. "Department" refers to any City department designated to administer and/or enforce the provisions of this chapter or, if so designated by the City Manager, the Riverside County Department of Health and Human Services or other County department.

D. "Person" shall mean: any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

E. "Proprietor" shall mean: a Person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can or does have or share ultimate control over the day-to-day operations of a business.

F. "Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and accessories, and in which at least 80 percent (80%) of the square footage of the available retail floor and shelf space is devoted to the sale of tobacco-related products and accessories.

G. "Self-Service Display" means an open display of Tobacco Products or Tobacco Paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer. A Vending Machine is a form of Self-Service Display.

H. "Smoking" means possessing a lighted Tobacco Product, lighted Tobacco Paraphernalia, or any other weed or plant (including a lighted pipe, cigar, hookah pipe, or cigarette of any kind), or the lighting of a Tobacco Product, Tobacco Paraphernalia, or any other weed or plant (including a pipe, cigar, hookah pipe, or cigarette of any kind).

I. "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of Tobacco Products.

J. "Tobacco Product" means:

1. Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and

2. Any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

K. "Tobacco Retailer" means any Person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, Tobacco Products, or Tobacco Paraphernalia, or who distributes free or low-cost samples of Tobacco Products or Tobacco Paraphernalia. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, Tobacco Products, or Tobacco Paraphernalia sold, offered for sale, exchanged, or offered for exchange.

L. "Vendor-Assisted" means that only a store or Tobacco Retailer has access to the Tobacco Product or Tobacco Paraphernalia and assists the customer by supplying the Tobacco Product or Tobacco Paraphernalia. The customer does not take legal possession of the Tobacco Product or Tobacco Paraphernalia until it is purchased.

M. "Vending Machine" means a machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or any other form of payment that is designated or used for vending purposes including, but not limited to, machines or devices that use remote control locking mechanisms. (Ord. 6878 § 1, 2006)

#### **Section 6.24.030 Sale and Distribution of Tobacco Products; Tobacco Retailer License Required.**

A. It shall be unlawful for any person, business, or tobacco retailer, except for a Retail Tobacco Store, to sell, permit to be sold, offer for sale, or display for sale any Tobacco Product or Tobacco Paraphernalia by any means other than Vendor-Assisted Sales. A Vending Machine, as defined in Section 6.24.020(M) above, is not a Vendor-Assisted Sale.

B. It shall be unlawful for any Person, Business, or Tobacco Retailer to engage in the sale of Tobacco Products or Tobacco Paraphernalia without first posting a plainly visible sign at the point of purchase of Tobacco Products or Tobacco Paraphernalia which states: "THE SALE OF TOBACCO PRODUCTS OR TOBACCO PARAPHERNALIA TO PERSONS UNDER EIGHTEEN (18) YEARS OF AGE IS PROHIBITED BY LAW AND SUBJECT TO PENALTIES. PHOTO IDENTIFICATION IS REQUIRED." The letters of the sign shall be at least one-quarter inch (1/4") high.

C. It shall be unlawful for any person, business, or tobacco retailer to sell any Tobacco Product or Tobacco Paraphernalia to any individual who appears younger than eighteen (18) years old, without first verifying, by means of photographic identification containing the bearer's date of birth, that the purchaser is at least eighteen (18) years old, unless the Person,

Business, or Tobacco Retailer has some other reliable basis for determining the purchaser's age.

D. It shall be unlawful for any Person to act as a Tobacco Retailer without first obtaining and maintaining a valid Tobacco Retailer's license pursuant to this Chapter for each location at which that activity is to occur. Tobacco Retailing without a valid Tobacco Retailer's License is a public nuisance.

E. A Tobacco Retailer or Proprietor without a valid Tobacco Retailer license, including, for example, a revoked license:

1. Shall keep all Tobacco Products and Tobacco Paraphernalia from public view. The public display of Tobacco Products or Tobacco Paraphernalia in violation of this provision shall constitute an "offer for sale" for the purposes of Section 6.24.120 of this Chapter.

2. Shall not display any advertisement relating to Tobacco Products or Tobacco Paraphernalia that promotes the sale or distribution of such products from the Tobacco Retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

F. Nothing in this Chapter shall be construed to grant any Person obtaining and maintaining a Tobacco Retailer's license any status or right other than the right to act as a Tobacco Retailer at the location in the City identified on the face of the permit. For example, nothing in this Chapter shall be construed to render inapplicable, supercede, or apply in lieu of, any other provision of applicable law including, but not limited to, any provision of this Code, or any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code Section 6404.5. For example, obtaining a Tobacco Retailer license does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code Section 6404.5

G. In the event of any conflict with any other provision of the Riverside Municipal Code relating to tobacco, this Chapter shall control subject to its enforcement by the County Counsel and the District Attorney for the purposes for which this Chapter is enacted. (Ord. 6878 § 1, 2006)

#### **Section 6.24.040 Tobacco Retailer License Application Process.**

A. Application for a Tobacco Retailer's license shall be submitted in the name of each Proprietor proposing to conduct retail tobacco sales and shall be signed by each Proprietor or an authorized agent thereof. It is the responsibility of each Proprietor to be informed regarding all laws applicable to Tobacco Retailing, including those laws affecting the issuance of a Tobacco Retailer's License.

B. No proprietor may rely on the issuance of a license as a determination by the City that the Proprietor has complied with all laws applicable to Tobacco Retailing. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a Proprietor shall be revoked pursuant to section 6.24.100 of this chapter. Nothing in this chapter shall be construed to vest in any Person obtaining and maintaining a Tobacco Retailer's license any status or right to act as a Tobacco Retailer in contravention of any provision of law.

C. All applications shall be submitted on a form supplied by the Department and shall contain the following information:

1. The name, address, and telephone number of each Proprietor of the business that is seeking a license;

2. The business name, address, and telephone number of the single fixed location for which a Tobacco Retailer's license is sought;

3. The name and mailing address authorized by each Proprietor to receive all license-related communications and notices (the "Authorized Address"). If an Authorized Address is not



supplied, each Proprietor shall be understood to consent to the provision of notice at the business address specified in subparagraph (2) above;

4. Proof that the location for which a Tobacco Retailer's license is sought has been a valid state tobacco retailer's license by the California Board of Equalization;

5. Whether or not any Proprietor is a Person who has been determined to have violated this chapter or whose proprietorship has admitted violating, or has been found to have violated, this chapter, and, if so, the dates and locations of all such violations within the past six years; and

6. Such other information as the Department deems necessary for the administration or enforcement of this ordinance.

7. All information required to be submitted to apply for a Tobacco Retailer's license shall be updated with the Department whenever the information changes. A Tobacco Retailer shall provide the Department with any updates within ten (10) business days of a change. (Ord. 6878 § 1, 2006)

#### **Section 6.24.050 License Issuance; Standards.**

A. No license may issue to authorize Tobacco Retailing at other than a fixed location. For example, Tobacco Retailing by Persons on foot and Tobacco Retailing from vehicles are prohibited.

B. Upon the receipt of an application for a Tobacco Retailer's license and the license fee, required by this Chapter, the Department shall issue a license unless substantial evidence demonstrates that one of the following bases for denial exists:

1. The application is incomplete, inaccurate, or false. Intentionally supplying inaccurate or false information shall be a violation of this Chapter.

2. The application seeks authorization for Tobacco Retailing at a location for which this Chapter prohibits issuance of Tobacco Retailer's licenses. However, this subparagraph shall not constitute a basis for denial of a license if the applicant provides the Department with documentation demonstrating by clear and convincing evidence that the applicant has acquired or is acquiring the location or business in an Arm's Length Transaction. Clear and convincing evidence can be oral or written and must be the kind of evidence upon which a responsible person would rely in making an important business, personal, or other decision.

3. The application seeks authorization for Tobacco Retailing for a Proprietor to whom this Chapter prohibits a license to be issued.

4. The application seeks authorization for Tobacco Retailing that is prohibited pursuant to this Chapter, that is unlawful pursuant to this Code, or that is unlawful pursuant to any other law. (Ord. 6878 § 1, 2006)

#### **Section 6.24.060 Licenses Nontransferable.**

A. A Tobacco Retailer's license may not be transferred from one Person to another or from one location to another. Whenever a Tobacco Retailing location has a change in Proprietors, a new Tobacco Retailer's license is required.

B. Notwithstanding any other provision of this Chapter, prior violations at a location shall continue to be counted against a location, and license ineligibility periods shall continue to apply to a location unless:

1. The location has been fully transferred to a new Proprietor or fully transferred to entirely new Proprietors; and

2. The new Proprietor(s) provide the Department with clear and convincing evidence that the new Proprietor(s) have acquired, or are acquiring, the location in an Arm's Length Transaction. (Ord. 6878 § 1, 2006)

#### **Section 6.24.070 Fees for License Renewal and Expiration.**

A. License Fees. The fee to issue or to renew a Tobacco Retailer's license shall be established by resolution of the City Council. The fee shall be calculated as to recover the total cost of both license administration and license enforcement including, for example, issuing the license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this chapter. All fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

B. License Renewal. A Tobacco Retailer license is invalid unless the appropriate fee has been paid in full and the term of the license has not expired. The term of a Tobacco Retailer license is one (1) year. Each Tobacco Retailer shall apply for the renewal of his or her Tobacco Retailer's license and submit the license fee no later than thirty (30) days prior to expiration of the term.

C. License Expiration. A Tobacco Retailer's license that is not timely renewed shall expire at the end of its term. To reinstate a license that has expired, or to renew a license not timely renewed pursuant to subparagraph (B) above, the Proprietor must:

1. Submit the license fee plus a reinstatement fee of ten percent (10%) of the license fee.
2. Submit a signed affidavit affirming that the Proprietor:
  - a. Has not sold and will not sell any Tobacco Product or Tobacco Paraphernalia after the license expiration date and before the license is renewed, or
  - b. Has waited the appropriate ineligibility period established for Tobacco Retailing without a license, as set forth in section 6.24.110 of this Chapter, before seeking renewal of the license. (Ord. 6878 § 1, 2006)

#### **Section 6.24.080 Other Requirements and Prohibitions.**

A. Lawful Business Operation. In the course of Tobacco Retailing or in the operation of the business or maintenance of the location for which a license is issued, it shall be a violation of this Chapter for a licensee, or any of the licensee's agents or employees, to:

Violate any local, state, or federal law applicable to Tobacco Products, Tobacco Paraphernalia, or Tobacco Retailing;

1. Violate any local, state, or federal law regulating exterior, storefront, window, or door signage.

B. Display of License. Each Tobacco Retailer license shall be prominently displayed in a publicly-visible location at the licensed location.

C. Minimum Age for Person Selling Tobacco. No Person who is younger than the minimum age established by state law for the purchase or possession of Tobacco Products shall engage in Tobacco Retailing. (Ord. 6878 § 1, 2006)

#### **Section 6.24.090 Compliance Monitoring.**

A. The City may monitor compliance with this chapter by using City staff, or the City Manager may designate the Riverside County Health and Human Services Department or another agency to perform these functions under agreement with that agency. Any peace officer may enforce the penal provisions of this Chapter.

B. The City, or the City Manager's designee as described in (A) above, shall endeavor to check the compliance of each Tobacco Retailer at least three (3) times per twelve (12)-month period. Nothing in this paragraph shall create a right of action in any licensee or other Person against the Department or its agents.

C. Compliance checks shall determine, at a minimum, if the Tobacco Retailer is conducting business in a manner that complies with tobacco laws regulating youth access to

tobacco. When appropriate, the compliance checks shall determine compliance with other laws applicable to Tobacco Retailing.

D. The City, or the City Manager's designee as described in (A) above, shall not enforce any law establishing a minimum of age for tobacco purchases or possession against a Person who otherwise might be in violation of such law because of the person's age (hereinafter "Youth Decoy") if the potential violation occurs when:

1. The Youth Decoy is participating in a compliance check supervised by a peace officer or a code enforcement official of the City; or
2. The youth Decoy is participating in a compliance check funded, in part, either directly or indirectly through subcontracting, by the City or the County Department of Health and Human Services, or funded in part, either directly or indirectly, through subcontracting, by the California Department of Health Services. (Ord. 6878 § 1, 2006)

#### **Section 6.24.100      Revocation of License.**

A. Revocation of License for Violation. In addition to any other penalty authorized by law, a Tobacco Retailer's license shall be revoked if the City, using City staff, or the Riverside County Hearing Officer, is so designated by the City Manager per an agreement with the Riverside County Health and Human Services Department, finds, after the licensee is afforded notice, as described in Sections 6.24.100 (B) (1) and (2) of this Code, and an opportunity to be heard, that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions of prohibitions of this Chapter or, in a different legal proceeding, has pleaded guilty, "no contest," or its equivalent, or admitted to a violation of any law designated in Section 6.24.080 above.

**B. Notice.**

1. Whenever a notice is required to be given under this Code, unless different provisions are otherwise specifically made in this Code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified, at his or her last known business or residence address as the same appears in the public records of the city or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office or any United States mail box.

2. Proof of giving any notice may be made by the certificate of any officer or employee of this city or by affidavit of any person over the age of 18 years which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

**C. New License After Revocation.**

1. After revocation for a first license violation of this Chapter at a location within any sixty (60) month period, no new license may be issued for the location until ten (10) days have passed from the date of the revocation.

2. After revocation for a second violation of this Chapter at a location within any sixty (60) month period, no new license may be issued for the location until thirty (30) days have passed from the date of the last revocation.

3. After revocation for a third violation of this Chapter at a location within any sixty (60) month period, no new license may be issued for the location until ninety (90) days have passed from the date of the last revocation.

4. After revocation for a fourth or subsequent violation of this Chapter at a location within any sixty (60) month period, no new license may be issued for the location until five (5) years have passed from the date of revocation.

D. Revocation of License Issued in Error. A Tobacco Retailer's license shall be revoked if the Department finds, after the licensee is afforded a reasonable notice and opportunity to be heard, that one or more of the bases for denial of a license under Section 6.24.050 existed at

the time application was made or at anytime before the license was issued. The revocation shall be without prejudice to the filing of a new license application. (Ord. 6878 § 1, 2006)

#### **Section 6.24.110 Tobacco Retailing Without a License.**

A. In addition to any other penalty authorized by law, if the Department finds or any court of competent jurisdiction determines, after notice and an opportunity to be heard, that any Person has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer's license, either directly or through the Person's agents or employees, the Person shall be ineligible to apply for or be issued a Tobacco Retailing license for that location as follows:

1. After a first violation of this Chapter at a location within a sixty (60) month period, no new license may be issued for the Person at the location until thirty (30) days have passed from the date of the violation.

2. After a second violation of this Chapter at a location within a sixty (60) month period, no new license may be issued for the Person at the location ninety (90) days have passed from the date of violation.

3. After a third or subsequent violation of this Chapter at a location within a sixty (60) month period, no new license may be issued for the Person at the location until five (five) years have passed from the date of the violation. (Ord. 6878 § 1, 2006)

#### **Section 6.24.120 Enforcement of License Violations.**

The remedies provided by this ordinance are cumulative and in addition to any other remedies available at law or equity:

A. Whenever evidence of a violation of this ordinance is obtained, in part, through the participation of a Person under the age of eighteen (18) years old, such a Person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this ordinance, and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

B. Notwithstanding any provision of the Riverside Municipal Code, violations of this Chapter are subject to a civil action brought by the County Counsel, punishable by:

1. A fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) for a first violation in any sixty (60) month period; or

2. A fine not less than one thousand five hundred dollars (\$1,500) and not exceeding two thousand five hundred dollars (\$2,500) for a second violation in any sixty (60) month period; or

3. A fine not less than three thousand dollars (\$3,000) and not exceeding ten thousand dollars (\$10,000) for a third or subsequent violation in any sixty (60) month period; or

C. Violations of this Chapter may be prosecuted as infractions or misdemeanors by the County Counsel or the District Attorney.

D. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.

E. Violations of this Chapter are hereby declared to be public nuisances.

F. In addition to other remedies provided by this Chapter or by other law, any violation of this Chapter may be remedied by a civil action brought by the City Attorney or, in the discretion of the City Manager, the County Counsel, District Attorney including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. (Ord. 6878 § 1, 2006)

#### **Section 6.24.130 Settlement in Lieu of Hearing.**

For a first or second alleged violation of this Chapter within any sixty (60) month period, the City Attorney or, if so designated by the City Manager, County Counsel, District Attorney may engage in settlement negotiations and may enter into a settlement agreement with a

Tobacco Retailer alleged to have violated this Chapter without approval from the City Council. Notice of any settlement shall be provided to the Department and no hearing shall be held. Settlements shall not be confidential and shall contain the following minimum terms:

After a first alleged violation of this Chapter at a location within any sixty (60) month period:

1. An agreement to stop acting as a Tobacco Retailer for at least one (1) day;
2. A settlement payment to the City of at least one thousand (\$1,000) dollars; and
3. An admission that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations.

B. After a second alleged violation of this Chapter at a location within any sixty (60) month period:

1. An agreement to stop acting as a Tobacco Retailer for at least ten (10) days;
2. A settlement payment to the City of at least five thousand (\$5,000) dollars; and
3. An admission that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations. (Ord. 6878 § 1, 2006)

## **Chapter 6.25**

### **PROHIBITION OF TOBACCO VENDING MACHINES**

#### **Sections:**

- 6.25.010 Findings and purpose.**
- 6.25.020 Definitions.**
- 6.25.030 Tobacco vending machines prohibited.**

#### **Section 6.25.010 Findings and purpose.**

The City Council does hereby find that:

A. Smoking is responsible for the premature deaths of 434,000 Americans each year from lung cancer, heart disease, respiratory illness, and other diseases; secondhand smoke is responsible for an additional fifty-three thousand deaths among nonsmokers; and

B. The U. S. Surgeon General has declared that nicotine is as addictive as cocaine or heroin; no other addictive product or drug or cancer-causing product or drug is sold through vending machines; and

C. The U. S. Secretary of Health, the U. S. Surgeon General, and the leading voluntary health organizations all recommend the elimination of cigarette vending machines for health reasons;

D. Accordingly, the City Council finds that prohibiting the sale of cigarettes through vending machines is essential to protect the health and welfare of the public. (Ord. 6045 § 1, 1993)

#### **Section 6.25.020 Definitions.**

"Tobacco vending machine" means any machine or device designated for or used for the vending of cigarettes, cigars, tobacco, or tobacco products upon the insertion of coins, bills, trade checks or slugs. (Ord. 6045 § 1, 1993)

#### **Section 6.25.030 Tobacco vending machines prohibited.**

No cigarette or other tobacco products may be sold, offered for sale, or distributed by or from a vending machine or other appliance, or any other device designed or used for vending purposes. (Ord. 6045 § 1, 1993)

## **Chapter 6.26**

### **PROHIBITION AGAINST AIDS DISCRIMINATION**

#### **Sections:**

<b>6.26.010</b>	<b>Definitions.</b>
<b>6.26.020</b>	<b>Employment.</b>
<b>6.26.030</b>	<b>Rental housing.</b>
<b>6.26.040</b>	<b>Business establishments.</b>
<b>6.26.050</b>	<b>City facilities and services.</b>
<b>6.26.055</b>	<b>All contracts to include nondiscrimination provisions.</b>
<b>6.26.060</b>	<b>Educational institutions.</b>
<b>6.26.070</b>	<b>Advertising.</b>
<b>6.26.080</b>	<b>Subterfuge.</b>
<b>6.26.090</b>	<b>Association and retaliation.</b>
<b>6.26.100</b>	<b>Liability.</b>
<b>6.26.110</b>	<b>Enforcement.</b>
<b>6.26.120</b>	<b>Limitation on action.</b>
<b>6.26.130</b>	<b>Severability.</b>
<b>6.26.140</b>	<b>Exceptions.</b>
<b>6.26.150</b>	<b>Burden of proof.</b>
<b>6.26.160</b>	<b>Survival of cause of action.</b>

#### **Section 6.26.010 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section.

"AIDS" and "Acquired Immune Deficiency Syndrome" shall mean the disease complex which occurs when an important part of the human immune system is weakened or destroyed by the action of a virus known as HIV or HTLV-III. Signs and symptoms of this disease complex are manifested in the afflicted person by any one of certain bacterial, viral, parasitic or fungal illnesses of a chronic nature or by certain rare forms of cancer or by HIV wasting syndrome.

"Business establishment" shall mean any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist of requirements under which a substantial portion of the residents of the City of Riverside could qualify.

"Condition related thereto" shall mean any AIDS-related condition (ARC) and shall include any perception that a person is suffering from the medical condition AIDS or ARC, whether real or imaginary.

"Employer" shall mean every person as defined herein, including any public service corporation and including the legal representative of any deceased employer, which has any natural person performing services for any form of remuneration.

"Housing services" shall mean services connected with the use or occupancy of a rental unit including but not limited to, utilities (including electricity, gas, heat, water and telephone), ordinary repairs or replacement, and maintenance, including painting. This term shall also include the provision of elevator service, laundry facilities and privileges, common recreational facilities, janitor service, resident manager, refuse removal, furnishings, food service, parking and any other benefits, privileges or facilities.

"Person" shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however organized.

"Rent" shall mean the consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, including but not limited to monies demanded or paid for the following: meals where required by the landlord as a condition of the tenancy, parking, furnishings, other housing services of any kind, subletting, or security deposits.

"Rental units" shall mean all dwelling units, efficiency dwelling units, guest rooms, and suites in the City of Riverside, rented or offered for rent for living or dwelling purposes, and land and buildings appurtenant thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

"Rental units" shall not include housing accommodations which a government unit, agency or authority owns, operates, or manages, and which are specifically exempted from municipal regulation by State or federal law or administrative regulation. (Ord. 5599 § 1, 1987)

### **Section 6.26.020      Employment.**

A. Unlawful employment practices. It shall be an unlawful employment practice for any employer, employment agency or labor organization or any agent or employee thereof to do or attempt to do any of the following:

1. Fail or refuse to hire, or to discharge any person, or otherwise to discriminate against any person with respect to compensation, terms, conditions or privileges of employment on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

2. Limit, segregate or classify employees or applicants for employment in any manner which would deprive or tend to deprive any person of employment opportunities, or adversely affect his or her employment status on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

3. Fail or refuse to refer for employment any person, or otherwise to discriminate against any person on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

4. Fail or refuse to include in its membership or to otherwise discriminate against any person; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any person in any way which would deprive or tend to deprive such person of employment opportunities, or otherwise adversely affect her or his status as an employee or as an applicant for employment on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

5. Discriminate against any person in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

B. Bona fide occupational qualification; burden of proof. Nothing contained in this section shall be deemed to prohibit selection, rejection or dismissal based upon a bona fide occupational qualification.

In any action brought under this chapter, if a party asserts that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification, that party shall have the burden of proving that the discrimination is in fact a necessary result of a bona fide occupational qualification and that there exists no less discriminatory means of satisfying the occupational qualification.

C. Exceptions. It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide employee benefit system, provided such systems or plans are not a subterfuge to evade the purposes of this chapter; provided further that no such system shall provide an excuse for failure to hire any person. (Ord. 5599 § 1, 1987)



**Section 6.26.030      Rental housing.**

A. Unlawful rental housing practices. It shall be unlawful for any person having a housing accommodation for rent or lease, or any authorized agent or employee of such person to do or attempt to do any of the following:

1. Refuse to rent or lease a rental unit, refuse to negotiate for the rental or lease of a rental unit, evict from a rental unit, or otherwise deny to or withhold a rental unit from any person on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

2. Rent or lease a rental unit on less favorable terms, conditions or privileges, or discriminate in the provision of housing services to any person on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

3. Represent to any person that a rental unit is not available for inspection, rental or lease when such rental unit is, in fact, available on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

4. Make, print, publish, or cause to be made, printed, or published any notice, statement, sign, advertisement, application, or contract with regard to a rental unit that indicates any limitation on or discrimination against any person on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto; or that indicates any preference for any person on the basis (in whole or in part) that such person does not have the medical condition AIDS or any condition related thereto.

B. Exceptions.

1. Owner-occupied. Nothing in this section shall be construed to apply to the rental or leasing of any housing unit in which the owner or lessor or any member of his or her family occupies the same living unit in common with the prospective tenant.

2. Effect on other laws. Nothing in this section shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law. (Ord. 5599 § 1, 1987)

**Section 6.26.040      Business establishments.**

It shall be an unlawful business practice for any person to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment including, but not limited to, medical, dental, health care and convalescent services of any kind whatsoever, on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto. (Ord. 5599 § 1, 1987)

**Section 6.26.050      City facilities and services.**

A. Unlawful service and facility practices. It shall be an unlawful practice for any person to deny any person the full and equal enjoyment of, or to impose different terms and conditions on the availability of any of the following:

1. Use of any City facility or City service on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

2. Any service, program or facility wholly or partially funded or otherwise supported by the City of Riverside, on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto. (Ord. 5599 § 1, 1987)

**Section 6.26.055      All contracts to include nondiscrimination provisions.**

All contracting agencies of the City of Riverside, or any department thereof, acting for or on behalf of the City, shall include in all contracts, franchises, leases, concessions or other agreements involving real or personal property or services to be rendered, hereafter negotiated, let, awarded, granted, renegotiated, extended or renewed, in any manner or as to any portion thereof, a provision obligating the contractor, franchisee, lessee, concessionaire, or other party

of said agreement not to discriminate on the ground or because of race, color, creed, national origin, ancestry, age, sex, sexual orientation, or disability including the medical condition AIDS or any condition related thereto. (Ord. 5599 § 1, 1987)

**Section 6.26.060 Educational institutions.**

A. Unlawful educational practices. It shall be an unlawful educational practice for any person to do any of the following:

1. To deny admission to, or to impose different terms or conditions on the admission of any person, on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

2. To deny any person the full and equal enjoyment of, or to impose different terms or conditions upon the availability of, any facility owned or operated by or any service or program offered by an educational institution on the basis (in whole or in part) that such person has the medical condition AIDS or any condition related thereto.

B. Exceptions. It shall not be an unlawful discriminatory practice for a religious or denominational institution to limit admission, or to give other preference, to applicants of the same religion. (Ord. 5599 § 1, 1987)

**Section 6.26.070 Advertising.**

It shall be unlawful for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any of the acts mentioned in this chapter, which indicates an intent to engage in any unlawful practice as set forth in this chapter. (Ord. 5599 § 1, 1987)

**Section 6.26.080 Subterfuge.**

It shall be an unlawful discriminatory practice to do any of the acts mentioned in this chapter for any reason which would not have been asserted, wholly or partially, but for the fact that the person against whom such assertions are made has the medical condition AIDS or any condition related thereto. (Ord. 5599 § 1, 1987)

**Section 6.26.090 Association and retaliation.**

A. Association. It shall be unlawful for any person to do any of the acts prohibited by this chapter, as a result of the fact that a person associates with anyone who has AIDS or any condition related thereto covered by this chapter.

B. Retaliation. It shall be unlawful for any person to do any of the acts prohibited in this chapter or to retaliate against a person because a person:

1. Has opposed any act or practice made unlawful by this chapter;
2. Has supported this chapter and its enforcement;
3. Has testified, assisted or participated in any way in any investigation, proceeding, or litigation under this chapter. (Ord. 5599 § 1, 1987)

**Section 6.26.100 Liability.**

Any person who violates any of the provisions of this chapter or who aids in the violation of any provisions of this chapter shall be liable for, and the court shall award to the person whose rights are violated, actual damages, costs, and attorney's fees. In addition, the court may award punitive damages in a proper case. (Ord. 5599 § 1, 1987)

**Section 6.26.110 Enforcement.**

A. Civil Action. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.

B. Injunction.

1. Any person who commits, or proposes to commit, an act in violation of this chapter may be enjoined therefrom by a court of competent jurisdiction.

2. Action for injunction under this subsection may be brought by any aggrieved person, by the City Attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

C. Non-Exclusive. Nothing in this chapter shall preclude any aggrieved person from seeking any other remedy provided by law.

D. Exception. Notwithstanding any provision of this code to the contrary, no criminal penalties shall attach for any violation of the provisions of this chapter. (Ord. 5599 § 1, 1987)

**Section 6.26.120      Limitation on action.**

Actions under this chapter must be filed within one year of the alleged discriminatory acts. (Ord. 5599 § 1, 1987)

**Section 6.26.130      Severability.**

If any part or provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this chapter are severable. (Ord. 5599 § 1, 1987)

**Section 6.26.140      Exceptions.**

A. No part of this chapter shall apply to any bona fide religious organization.

B. No part of this chapter shall apply to any blood bank, blood donation facility, sperm bank, sperm donation facility, organ donation facility, surrogate mother or surrogate mother facility, or to any like service facility or establishment engaged in the exchange of products containing elements of blood or sperm.

C. No part of this chapter shall apply where a course of conduct is pursued which is necessary to protect the health or safety of the general public. (Ord. 5599 § 1, 1987)

**Section 6.26.150      Burden of proof.**

In any action brought under this chapter, if a party asserts that an otherwise unlawful discriminatory practice is justified as necessary to protect the health or safety of the general public, that party shall have the burden of proving that the discrimination is in fact a necessary result of a necessary course of conduct pursued to protect the health or safety of the general public; and that there exists no less discriminatory means of satisfying the necessary protection of the health or safety of the general public. (Ord. 5599 § 1, 1987)

**Section 6.26.160      Survival of cause of action.**

Any cause of action authorized hereunder shall survive the death of the person alleging discrimination and may be pursued in the name of the estate of the deceased person. (Ord. 5599 § 1, 1987)

## Chapter 6.28

### WATER AND OTHER WELLS

#### Sections:

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#### **Section 6.28.010 Purpose, authority and implementation.**

The purpose of this chapter is to provide minimum standards for construction, reconstruction, abandonment and destruction of all wells in order to (a) protect underground water resources; and (b) provide safe water to persons within the City of Riverside. Pursuant to the requirements of Section 13801 of the California Water Code, the request of the County of Riverside and the provisions of City Resolution No. 14733, the Riverside County Health Department shall enforce the provisions of this chapter within the jurisdiction of the City of Riverside. (Ord. 5815 § 1, 1990)

#### **Section 6.28.020 Definitions.**

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

"Abandoned Well" shall mean a well whose original or functional purpose and use has been discontinued for a period of one year and which has not been declared for reuse by its legal owner with the Department, or a well in such a state of disrepair that it cannot be functional for its original purpose or any other purpose regulated under this chapter. An exploration hole shall be considered to be an abandoned well twenty-four hours after its construction and testing

work have been completed.

"Agriculture Well" shall mean any water well used to supply water for irrigation or other agricultural purposes including so-called "Stock Wells".

"Annular Seal" or "Sanitary Seal" shall mean the approved material placed in the space between the well casing and the wall of the drilled hole (the annular space).

"Cathodic Protection Well" shall mean any artificial excavation in excess of fifty feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

"Community Water Supply Well" shall mean any well which provides water for public water supply systems.

"Contamination" shall mean an impairment of the quality of the waters of the State by waste substances to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

"Cross-Connection" shall mean any unprotected connection between any part of a water system used or intended to supply water for domestic purposes and any source or system containing water or other substances that are not or cannot be approved as safe, pure, wholesome, and potable for human consumption.

"Department" shall mean the Riverside County Department of Health, Division of Environmental Health Services.

"Director" shall mean the Director of the Department or his duly authorized representative.

"Distribution System" shall mean and include the facilities, conduits, and all other means used for the delivery of water from the source facilities to the customer's system.

"Exploration Hole" shall mean an uncased excavation for the purpose of immediately determining the existing geological and/or hydrological conditions at the site either by direct observation or other means.

"Individual Domestic Well" shall mean any well used to supply water for domestic needs other than a public water system.

"Industrial Well" shall mean any well used primarily to supply water for industrial processes and which may supply water intentionally or incidentally for domestic purposes.

"Lateral (Horizontal) Well" shall mean a well drilled or constructed horizontally or at an angle with the horizon as contrasted with the common vertical well, but does not include horizontal drains or "wells" constructed to remove subsurface water from hillsides, cuts or fills.

"Monitoring Well" shall mean an artificial excavation by any method for the purpose of observing, monitoring or supplying a water bearing aquifer, such as fluctuations in groundwater levels, quality of groundwaters or the concentration of contaminants in underground waters.

"Person" shall mean any individual, firm, corporation, association, profit or non-profit organization, trust, partnership, special district or governmental agency to the extent authorized by law.

"Pollution" shall mean an alteration of water by waste substances to a degree which unreasonably impairs such water for beneficial uses, or the facilities which serve such beneficial uses. "Pollution" includes "contamination".

"Public Water System" shall mean:

1. A system, regardless of type of ownership, for the provision of piped water to the public for domestic use, if such system has at least five service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days of the year. A public water system includes:

- a. Any collection, treatment, storage and distribution facilities which are used primarily in connection with such system and which are under control of the water supplier.

- b. Any collection or pretreatment storage facilities which are used primarily in

connection with such system but are not under control of the water supplier.

"Reconstruction" means certain work done to an existing well in order to restore its production, replace defective casing, seal off certain strata or surface water, or similar work, not to include the cleaning out of sediments, surging, or maintenance to the pump or appurtenances where the integrity of the annular seal or water bearing strata are not violated.

"Source Facilities" shall include wells, stream diversion works, infiltration galleries, springs, reservoirs, tanks, and all other facilities used in the production, treatment, disinfection, storage, or delivery of water to the distribution system.

"Water Well" shall mean any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into the ground. This definition shall not include:

1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or
2. Wells used for the purpose of:
  - a. Dewatering excavation during construction, or
  - b. Stabilizing hillsides or earth embankments. (Ord. 5815 § 1, 1990)

#### **Section 6.28.030 Permit requirements.**

A. No person or entity, as principal agent or employee, shall dig, drill, bore, drive, reconstruct or destroy (1) a well that is to be, or has been, used to produce or inject water; (2) a cathodic protection well; or a monitoring well without first filing a written application to do so with the Department, and receiving and retaining a valid permit as provided herein.

B. No person or entity shall engage in any activity subject to the jurisdiction of this chapter without first paying all applicable fees to the Department of Health for each activity in the amounts set forth in Riverside County Ordinance No. 640 et seq.

C. Any person who shall commence any work for which a permit is required hereunder by the Department without having obtained a permit therefor shall, if subsequently granted a permit, pay double the permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be established in writing to the satisfaction of the Director that such work was urgently necessary and that it was not practical to obtain a permit before commencement of the work. In all cases in which emergency work is necessary, a permit shall be applied for within three working days after commencement of the work. The applicant for a permit for any such emergency work shall, in any case, demonstrate that all work performed is in compliance with the technical standards of Section 6.28.100 of this chapter.

D. An application for a permit to construct a water well, monitoring well or cathodic protection well shall be submitted to the Department on a form and in a manner prescribed by the Department, and shall include the following information:

1. A Plot Plan showing the proposed well location with respect to the following items within a radius of five hundred feet from the well:
  - a. Property lines, including ownership.
  - b. Sewage or waste disposal systems (including reserved waste disposal expansion areas), or works for carrying or containing sewage or waste.
  - c. All intermittent and perennial natural and artificial bodies of water and watercourses.
  - d. The approximate drainage pattern of the property.
  - e. Other wells, including abandoned wells.
  - f. Access road(s) to the well site.
  - g. Structures.
2. Location of the property with a vicinity map including the legal description of the property (Assessor's Parcel Map/Tract Map Number).
3. The name and state license number of the general contractor (when applicable), and

the name and C-57 license number of the person responsible for constructing the well.

4. The proposed well depth, including casing size and zones of perforations and strata to be sealed off, if such data can be reasonably projected.

5. The proposed use of the well.

6. Location of underground storage tank(s) within five hundred feet of the proposed well.

7. Location and classification by visual inspection of any solid, liquid or hazardous waste disposal sites, including municipal and individual package sewage treatment plants, within two thousand feet of the proposed well.

8. Where proposed work is reconstruction or destruction of a water well, monitoring well or cathodic protection well, provide the following information, if available:

a. Method of reconstruction or destruction of well.

b. Total depth.

c. Depth and type of casing used.

d. Depth of perforation.

e. Well log.

f. Any other pertinent information required by the Department.

9. Other information as may be deemed necessary for the Department to determine if the underground waters will be adequately protected.

E. As a condition of a construction or reconstruction permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this chapter. (Ord. 5815 § 1, 1990)

#### **Section 6.28.040      Conditions of approval.**

Permits shall be issued after compliance with the standards provided and incorporated by reference in this chapter. Plans shall be submitted to the Department demonstrating compliance with such standards. Permits may include conditions and requirements found by the Department to be reasonably necessary to accomplish the purpose of this chapter. Completion bonds, contractor's bonds, cash deposits or other adequate security may be required to insure that all projects are performed completely and properly to protect the public's health and safety and the integrity of underground water resources. (Ord. 5815 § 1, 1990)

#### **Section 6.28.050      Conditions of denial.**

Where the Department determines that the standards of this chapter have not been met, it shall deny the application. (Ord. 5815 § 1, 1990)

#### **Section 6.28.060      Expiration or extension of permit.**

A. Each permit issued pursuant to this chapter shall expire and become null and void if the work authorized thereby has not been completed within six months following the issuance of the permit.

B. Any permit issued pursuant to this chapter may be extended at the option of the Department. Each individual extension granted by the Department shall be for not longer than one hundred twenty days. In no event shall the Department grant an extension which would make the total term of the permit exceed one year. Application for extension shall be made on a form provided by the Department. The application shall be accompanied by a fee in the amount set forth in Riverside County Ordinance No. 640 et seq.

C. Upon expiration of any permit issued pursuant hereto, no further work may be done in connection with construction, repair, reconstruction or abandonment of a well unless and until a new permit for such purpose is secured in accordance with the provisions of this chapter. (Ord. 5815 § 1, 1990)

**Section 6.28.070 Permit revocation or suspension.**

A. A permit issued hereunder may be revoked or suspended by the Director as hereinafter provided if he determines that a violation of this chapter exists, that written notice has been directed to the permittee specifying the violation and that the permittee has failed or neglected to make the necessary adjustments within fifteen days after receiving such notice.

B. A permit may be so revoked or suspended by the Director if he determines at a hearing held for such purpose that the person to whom any permit was issued pursuant to this chapter has obtained the same by fraud or misrepresentation. (Ord. 5815 § 1, 1990)

**Section 6.28.080 Hearings.**

Any person whose application for a permit has been denied or whose permit has been suspended or revoked may request a hearing. The person shall file with the Department a written petition requesting the hearing and setting forth a brief statement of the grounds for the request. The Hearing Officer shall be the Director or his designee. At the time and place set for the hearing, the Hearing Officer shall give the petitioner and other interested persons adequate opportunity to present any facts pertinent to the matter at hand. The Hearing Officer may, when he deems it necessary, continue any hearing by setting a new time and place and by giving notice to the petitioner of such action.

At the close of the hearing, or within thirty working days thereafter, the Hearing Officer shall order such disposition of the application or permit as he has determined to be proper, and shall, by postage prepaid registered mail, notify the petitioner of his final determination. (Ord. 5815 § 1, 1990)

**Section 6.28.090 Licensing and registration of water well drillers and contractors.**

No person shall engage in any activity listed in Section 6.28.030 of this chapter unless he is in compliance with the provisions herein and possesses a valid C-57 license in accordance with the California Contractor's State License Law (Chapter 9, Division 3 of the Business and Professions Code), or possesses a license appropriate to the activity to be engaged in. Such person shall register annually with the Department and pay the registration fee specified in Riverside County Ordinance No. 640 et seq., prior to commencing any activity regulated by this chapter. (Ord. 5815 § 1, 1990)

**Section 6.28.100 Standards.**

Standards for the construction, reconstruction, abandonment or destruction of wells shall be the standards recommended in the Bulletins of the California Department of Water Resources as follows: Bulletin No. 74-81 Chapter II Water Wells, and Bulletin No. 74-90 (Supplement to Bulletin 74-81) as these Bulletins may be amended by the State from time to time. The content of said Bulletins is hereby incorporated by reference with the following additions or modifications:

Bulletin No. 74-90 Monitoring Well.

Exploration holes for determining immediate geological or hydrological information relating to on-site sewage disposal systems, liquefaction studies, hazardous materials investigations or geotechnical investigations for construction purposes, such as foundation studies, are exempt from the monitoring well destruction standards of Part III Bulletin 74-90, provided that a zone of low permeability overlying sediments with water-bearing capabilities has not been penetrated. For the above-listed cases, the excavation or boring shall be backfilled with native soils immediately after the investigatory work has been completed. Where a zone of low permeability has been penetrated, the hole shall be abandoned as specified in Bulletin 74-90, Part III. When the excavation or boring is to be left open and unattended (such as at the end of a work shift), the person in charge of the construction shall take all necessary precautions to insure that the excavation has not created a public health or safety hazard. (Ord.



5815 § 1, 1990)

**Section 6.28.110 Lateral (horizontal) well standards.**

The location and design of lateral wells shall be in accordance with the standards recommended in the State of California, Department of Health Services' Publication: Requirements for Use of Lateral Wells in Domestic Water Systems as such publication may be amended by the State from time to time. The content of said publication is hereby incorporated herein by reference. (Ord. 5815 § 1, 1990)

**Section 6.28.120 Required inspection of well site.**

A site inspection by the Department is required prior to issuance of a permit for a well that is to be part of a public water system or other wells that possess a high potential for contamination as determined by the Director. In the event that the well is to serve a system under the direct jurisdiction of the State Department of Health Services, then that agency may perform the site inspection and notify the Director of its approval or disapproval. (Ord. 5815 § 1, 1990)

**Section 6.28.130 Required inspections of wells.**

A. A well inspection shall be requested of the Department at least two working days in advance of the following activities:

1. For individual domestic wells, agricultural wells, cathodic protection wells and monitoring wells:

a. The filling of the annular space or conductor casing.  
b. Immediately after the installation of all surface equipment and (for individual domestic wells) after the well has been disinfected and purged.

2. For community water supply wells:

a. All community water wells shall be inspected at the frequencies stated in subsection 1 of this section for individual domestic water wells. In addition, a site inspection prior to issuance of a permit is required in accordance with Section 6.28.120 of this chapter.

3. For all wells:

a. Any other operation or condition for which a special inspection is stipulated on the well permit.

4. For well destruction (all wells):

a. During the actual sealing of the well.  
b. Immediately after all well destruction work has been completed.

B. Upon failure to notify the Department of the filling of the annular space, approved geophysical tests including Sonic Log and Gamma Ray Log shall be conducted at the owner's expense to substantiate that an annular seal has been properly installed.

C. If the enforcement agency fails to appear at the well site at the time designated for sealing, the well may be sealed without the presence of the enforcement agency. However, the driller shall seal the well in accordance with the standards of this chapter and the permit in the absence of any inspection. (Ord. 5815 § 1, 1990)

**Section 6.28.140 Discharge of drilling fluids.**

Drilling fluids and other drilling materials used in connection with cathodic protection, monitoring or water well construction shall not be allowed to discharge onto streets or into waterways, and shall not be allowed to discharge to the adjacent property unless a written agreement with the owner(s) of the adjacent property is obtained. Such fluids and materials shall be cleaned up and removed within thirty days after completion of the well drilling without any violation of waste discharge regulations. This section shall not operate to prohibit the surface discharge of contaminated groundwater provided such discharge is carried out in

compliance with a lawful order of a regional water quality board. (Ord. 5815 § 1, 1990)

**Section 6.28.150 General location of water wells.**

It shall be unlawful for any person or entity to drill, dig, excavate or bore any water well at any location where sources of pollution or contamination are known to exist or have existed, or where substantial risk exists that water from that location may become contaminated or polluted even though the well may be properly constructed and maintained. Exceptions to the above include the following:

1. Extraction wells used for the purpose of extracting and treating water from a contaminated aquifer.
2. Wells from which water is to be treated to meet all State Department of Health standards and requirements.
3. Wells from which water will be blended with other water sources resulting in water that meets all State Department of Health standards and requirements.

Every well shall be located an adequate distance from all potential sources of contamination and pollution as follows:

Sewer	50-foot minimum
Watertight septic tank	100-foot minimum
Subsurface sewage leach line or leach field	100-foot minimum
Cesspool or seepage pit	150-foot minimum
Animal or fowl enclosures	100-foot minimum
Any surface sewage disposal system discharging 2,000 gal/day or more	200-foot minimum

Minimum distances from other sources of pollution or contamination shall be as determined by the Department upon investigation and analysis of the probable risks involved. Where particularly adverse or special hazards are involved as determined by the Health Department, the foregoing instances may be increased or specially approved means of protection, particularly in the construction of the well, may be required as determined by the Department. (Ord. 5815 § 1, 1990)

**Section 6.28.160 Well logs.**

Any person who has drilled, dug, excavated or bored a well subject to this chapter's regulations shall within thirty days after completion of the drilling, digging, excavating or boring of such well furnish the Department with a complete log of such well on a standard form provided by the State Department of Water Resources. This log shall include depths of formations, character, size distribution, i.e., clay, sand, gravel, rocks and boulders, and color for all lithological units penetrated, the type of casing, pump test results when applicable, and any other data required by the Department. The Department may require inspection of the well log during any phase of the well's construction and where necessary to achieve the purposes of this chapter may require modification of the work as originally planned.

Well logs furnished pursuant to this chapter shall not be made available for inspection by the public, but shall be made available to governmental agencies for use in making studies; provided, that any report may be made available to any person who obtains written authorization from the owner of the well. (Ord. 5815 § 1, 1990)

**Section 6.28.170 Water well surface construction features.**

A. Check Valve. A check valve shall be provided on the pump discharge line adjacent to the pump for all water wells.

B. Sample Spigot. An unthreaded sample spigot shall be provided on the pump

discharge line of any water well used as a public water supply adjacent to the pump and on the distribution side of the check valve.

C. **Water Well Disinfection Pipe.** All community water supply wells and individual domestic wells shall be provided with a pipe or other effective means through which chlorine or other approved disinfecting agents may be introduced directly into the well. The pipe shall be extended at least four inches above the finished grade and shall have a threaded or equivalently secured cap on it.

D. **Water Well Flow Meter.** A flow meter or other suitable measuring device shall be located at each source facility and shall accurately register the quantity of water delivered to the distribution system from all community water supply wells serving a public water supply system.

E. **Air-Relief Vent.** An air-relief vent, when required, shall terminate downward, be screened, and otherwise be protected from the entrance of contaminants.

F. **Backflow Prevention Assembly.** Agricultural wells equipped with chemical feeder devices for fertilizers, pesticides or other nonpotable water treatment shall be furnished with an approved backflow prevention assembly or a sufficient air gap to insure that a cross-connection with the well does not exist. (Ord. 5815 § 1, 1990)

#### **Section 6.28.180      Disinfection of water wells.**

Every new, repaired or reconstructed community water supply well or individual domestic well, after completion of construction, repair or reconstruction and before being placed in service, shall be thoroughly cleaned of all foreign substances. The well gravel used in packed wells, pipes, pump, pump column and all well water contact equipment surfaces shall be disinfected by a Department-approved method. The disinfectant shall remain in the well and upon all relevant surfaces for at least twenty-four hours. Disinfection procedures shall be repeated until microbiologically safe water is produced, as set forth in the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring. (Ord. 5815 § 1, 1990)

#### **Section 6.28.190      Water quality standards.**

A. Water from all new, repaired and reconstructed community water supply wells shall be tested for and meet the standards for microbiological, general mineral, general physical, chemical, and radiological quality in accordance with the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring.

B. In addition to the microbiological standards required in Section 6.28.180, all individual domestic water wells shall be tested for and meet the nitrate, fluoride and total dissolved solids (TDS) standards in accordance with the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring.

C. At the discretion of the Director, for the purpose of protecting the health and safety of the public, any new, repaired or reconstructed individual domestic water well or community well shall be tested for and must meet any or all additionally specified Water Quality Standards in accordance with the California Code of Regulations, Title 22, Domestic Water Quality and Monitoring. Exceptions would be community well water to be either treated or blended with other water sources to meet State Department of Health Services standards and requirements. Said treatment or blending must be approved by the State Department of Health Services. (Ord. 5815 § 1, 1990)

#### **Section 6.28.200      Private well evaluations.**

All individual domestic water wells for which the owner requests a Department evaluation of water quality shall be tested for Water Quality Standards for individual domestic water wells as provided for in Sections 6.28.180 and 6.28.190 of this chapter. The Department shall perform a well-site inspection and conduct the microbiological sampling portion of the evaluation. Any additional testing, including any pump test to determine the yield quantity of the

well, shall be performed by State-certified individuals at the expense of others. The Department shall collect an evaluation service fee in accordance with Riverside County Ordinance No. 640 et seq. (Ord. 5815 § 1, 1990)

**Section 6.28.210 Well abandonment.**

If after thirty days of abandonment, the owner has not declared to the Department a proposed reuse of the well pursuant to Section 6.28.230 of this chapter, and the well has been found by the Department to be a hazard whereby its continued existence is likely to cause damage to ground water or a threat to public health and safety, the Department shall direct the owner to destroy the well in accordance with Section 6.28.100 of this chapter. Upon removal of the pump, the casing shall be provided with a threaded or equivalently secured watertight cap. The well shall be maintained so that it will not be a hazard to public health and safety until such time as it is properly destroyed. (Ord. 5815 § 1, 1990)

**Section 6.28.220 Public nuisance abatement.**

Where an abandoned well has been identified and the owner fails to comply with the Department's order to destroy the well, such well may be declared a public nuisance pursuant to Government Code Section 50231, and thereafter abated pursuant to Title 5, Division 1, Part 1, Chapter 1, Article 9 of the California Government Code. Where abatement is undertaken at the expense of the County, such cost shall constitute a special assessment against the parcel and shall be added to the next regular tax bill as provided under Government Code Section 50244 et seq. (Ord. 5815 § 1, 1990)

**Section 6.28.230 Declaration of proposed reuse.**

Where a well is unused or its disuse is anticipated, the owner may apply to the Department, in writing, declaring an intention to use the well again for its original or other approved purpose. The Department shall review the declaration and may grant an exemption from certain of the provisions of Section 6.28.210 of this chapter, provided no undue hazard to public health or safety is created by the continued existence of the well. Thereafter, an amended declaration shall be filed annually with the Department. The original or subsequent exemption may be terminated for cause by the Department at any time. (Ord. 5815 § 1, 1990)

**Section 6.28.240 Administrative variance.**

Subject to approval by the State Department of Health Services, the Director may grant an administrative variance from the provisions of this chapter where documentary evidence establishes that a modification of the standards as provided herein will not endanger the general public health and safety, and strict compliance would be unreasonable in view of all the circumstances. (Ord. 5815 § 1, 1990)

**Section 6.28.250 Violations and penalties.**

A. The Director, or his designee, may at any and all reasonable times enter any and all places, property, enclosures and structures for the purpose of conducting examinations and investigations to determine whether all provisions of this chapter are being complied with.

B. It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this chapter or to violate the provisions of any permit granted pursuant to this chapter. Any person, firm, corporation or association of persons violating any provision of this chapter or the provisions of any permit granted pursuant to this chapter shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter or the provisions of any permit granted pursuant to this chapter is committed, continued or permitted.

Any person, firm, corporation or association of persons so convicted shall be (1) guilty of

an infraction offense and punished by a fine not exceeding one hundred dollars for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars for a second violation at the same site. The third and any additional violations on the same site shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person, firm, corporation or association of persons from the responsibility for correcting the violation.

C. Anything done, maintained or suffered in violation of any of the provisions of this chapter is a public nuisance dangerous to the health and safety of the public and may be enjoined or summarily abated in the manner provided by law. Every public officer or body lawfully empowered to do so shall abate the nuisance immediately. (Ord. 5815 § 1, 1990)

**Section 6.28.260 Severability.**

If any provision, clause, sentence or paragraph of this chapter, or the application thereof, to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable. (Ord. 5815 § 1, 1990)

**Section 6.28.270 Conflict with existing laws.**

The provisions of any existing ordinance or State or federal law affording greater protection to the public health or safety shall prevail within this jurisdiction over the provisions of this chapter and the standards adopted or incorporated by reference hereunder. (Ord. 5815 § 1, 1990)